

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

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 FIFTEENTH MEETING OF THE :
 NATIONAL ENVIRONMENTAL JUSTICE :
 ADVISORY COUNCIL :
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VOLUME I

Tuesday, May 23, 2000

Omni Hotel at CNN Center
Atlanta, Georgia

The Fifteenth Meeting of the NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL convened, pursuant to notice, at 6:30 p.m. on Tuesday, May 23, 2000.

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APPEARANCES:

- NEJAC Advisory Council Members:
 MR. HAYWOOD TURRENTINE, Chair
 MR. CHARLES LEE, DFO
 MR. DON J. ARAGON
 MS. ROSE MARIE AUGUSTINE
 MR. LUKE W. COLE
 MR. FERNANDO CUEVAS, SR.
 MR. ARNOLDO GARCIA
 MR. MICHEL GELOBTER
 MR. TOM GOLDTOOTH
 MS. JENNIFER HILL-KELLY
 MS. ANNABELLE JARAMILLO
 MS. VERNICE MILLER-TRAVIS
 MR. HAROLD MITCHELL
 MR. CARLOS M. PADIN
 MS. MARINELLE PAYTON
 MS. ROSA HILDA RAMOS
 MS. PEGGY SHEPARD
 MR. GERALD TORRES
 MR. BOB VARNEY
 MS. JANA L. WALKER
 MR. DAMON P. WHITEHEAD
 MR. TSEMING YANG
 MS. PAT HILL WOOD

Also Present:

- MR. BARRY E. HILL
 MR. JERRY CLIFFORD
 MR. HENRY A. ANDERSON
 MS. HILARY I. INYANG
 MS. WILLA F. FISHER

APPEARANCES (Cont.):

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Public Comment Period Presenters:

- MS. ELIZABETH CROWE
 MR. JAMES J. FRILLOUX
 MS. FARELLA ESTA ROBINSON
 MR. JEROME BALTER
 MS. DORIS BRADSHAW
 MR. KENNETH BRADSHAW
 MS. MaVYNNE OSHUN BETSCH
 MS. SARAH CRAVEN
 MS. JEANNIE ECONOMAS
 MR. CHAVEL LOPEZ
 MR. MARVIN CRAFTER
 MR. EARNEST C. MARSHALL
 MR. HENRY RODRIGUEZ
 MS. ELODIA M. BLANCO
 MS. JERILYN LOPEZ MENDOZA
 MR. DONALD BROWN
 MR. BILL BURNS
 MS. SAMARA SWANSTON
 MS. MICHELLE XENOS
 MR. JAY GILBERT SANCHEZ
 MS. TERESA JUAREZ
 MARK MITCHELL, M.D.
 MS. LaVONNE STONE
 RABBI DANIEL SWARTZ
 MR. JIM MacDONALD
 MS. JACKIE WARD
 MR. FRED LINCOLN
 MS. MARIA ELENA LUCAS

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PROCEEDINGS

(6:30 p.m.)

MR. TURRENTINE: I would like to take this opportunity to welcome each of you to the Fifteenth Meeting of the National Environmental Justice Advisory Council. I'm Haywood Turrentine, Chair of the Executive Council of the NEJAC and I'll be chairing this meeting tonight for the public comment period.

I'd like to thank each and every one of you for attending the meeting, and more particularly those who have traveled from afar to participate in the public comment period.

Many people have signed up for the public comment period tonight, and we would ask that each and every one of you adhere to the public comment guidelines so that we can get through the process as painlessly as possible. It's going to be a rather full evening so I'd ask you to adhere to the five-minute deadline that we are allowing each of the public commenters.

As you've perhaps noticed by now, we have a court reporter to record all of the testimony that we will hear tonight. So I would ask each member of the Council and the public commenters to please speak into the microphone clearly so that the court reporter can record your testimony.

In the interest of time I would also ask that members of the

Executive Council, to the greatest degree possible, refrain from making comments or having further discussions unless you have questions of clarification from the people who are presenting, the public commenters. This would enable us to hear their testimony, take copies of the written remarks that they've got, and then we can discuss that and deliberate that at another time.

Each person presenting will be given five minutes. And we have a timer who is going to adhere to that and ask you to do the same. We don't want to cut anyone off; however, we don't want to exclude anyone who has signed up for public comment

If any of you decides you want to take ten minutes, as opposed to your five minutes allotted time, then you start to wear on someone else's time and we actually may run out of time. That wouldn't be fair to the persons coming behind you. So I would ask you to please help us stick to the five-minute time lines.

In the instances where there may be more than one person from an organization, perhaps one of you -- you could choose a spokesperson for that organization and have that person make public comment, as opposed to having three or four people from the same organization comment on the same issues.

When I call your names, I would ask that you come to the table before us and have a seat, and we will proceed in an orderly fashion.

I'll be calling you up in groups of five, again in an effort to expedite the process.

If you have written comments as you approach the table, there will be someone from staff or from the contractor that you can give those written comments to, and they will make sure that the members of the Council will receive a copy of it. You do not need to come forward and distribute them to us yourself; give them to the contractor, they will make those distributions while you make your presentation.

Just one bit of housekeeping detail. The restrooms are down the escalator and around to your right. So those of you who need to take a restroom break, that's where you can find them.

I would say to those of you who are making public comments -- and if you have written reports that you want included in the record -- the staff and the contractors are not in a position to provide photocopy services for you. So, if you have not made copies, you would want to do so on your own and then get them to us.

Again, welcome, and I look forward to an interesting night of public comment.

If there are no further housekeeping details to be taken care of at this time, and it is now, 25 minutes until the hour -- we were supposed to start at 6:30 with the public comment period -- we will go into that process at this time.

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As I call your name, I would ask you to come to the table. I would ask Doris Bradshaw or Kenneth Bradshaw, if they are present, to please come forward and take their stations at the table in front of us.

In addition to that, I would ask Cedi Corbin-Mark to also come forward if he's present.

Elizabeth Crowe. Elizabeth Crowe, please take your station at the table.

Jeff Day. If Jeff Day is present, please take your position at the table.

James Friloux. James, if you would take your position at the table. Is Michael Lythcott in the room? If Michael is in the room, please take your position at the table.

You know, we could have a very short meeting tonight if people don't show up.

Farella Robinson. Is Farella in the room? If so, you can take a position at the table.

Claude Terry. Is Claude Terry in the room? Not speaking? Thank you.

Carl Fuller. Is Carl Fuller in the room?

I think we may have one other seat at the table. Is Mike Matulin in the room?

If Mike is not in the room, are Mable Anderson or Richard Woodruff

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in the room?

Is Larry Charles in the room?

Kevin Hood?

Jerry Balter. I know Jerry is here. Jerry, would you take your station at the table.

Now, is Mike in the room, Mike Matulin? Carl Fuller?

Is Dr. Mildred McClain in the room?

Do you want to proceed and start your five minutes?

MS. CROWE: Yes. Thank you.

PRESENTATION BY MS. ELIZABETH CROWE
CHEMICAL WEAPONS WORKING GROUP

MS. CROWE: Good evening, my name is Elizabeth Crowe and I'm here on behalf of the Chemical Weapons Working Group. We're a national coalition that's working towards the safe disposal of chemical weapons in the U.S. and Pacific.

You might recall at the last NEJAC meeting in Virginia that I raised the issue of environmental injustice in the Department of Defense Chemical Weapons Disposal Program. I described the chronic problems experienced by the Army's chemical weapons incinerators in the Pacific and Utah, and the illogic of the Army's insistence on constructing additional incinerators in communities of color in Oregon, Alabama and Arkansas despite the availability of safer, more publicly

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available, non-incineration technologies.

You may recall that the Pacific and Utah incinerators have suffered lengthy shutdowns due to technical malfunctions, that workers have been exposed to chemical agents, that three major subsystems of the incinerators have been permanently abandoned increasing the amount of hazardous waste being incinerated, deep-well injected or landfilled in communities across the country, that a parade of whistle blowers from the Pacific and Utah facilities have alleged that the systems have inherent design flaws and each is considered a disaster waiting to happen and that communities of color are not being offered the same opportunity for safe non-incineration disposal technologies.

A lot has happened since we last met in Virginia. In January, Mr. Gary Harris, a former employee at the Utah incinerator as a medical official, as well as a person in charge of writing and submitting permits for the facility to the State of Utah, alleged that the Army and its contractor intentionally and continually falsified information to the state in order to obtain and maintain its operating permits.

Mr. Harris' allegations of technical failures, and the Army's attempts to cover up these failures, corroborate handwritten statements and internal Army memos released to the Chemical Weapons Working Group by a Utah incinerator safety manager and a former whistle blower, Steve Jones.

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From August 1999 to January 2000, Mr. Jones secretly sent thousands of pages of documents and memos to our organization, and in February, after he made the outlandish statement that it was mathematically impossible for a chemical agent to be released from the incinerator smokestack, we went public with the information. Neither the Army nor its contractors denied that any of the internal memos are genuine.

It turns out that it is mathematically possible for agent to be released from the smokestack. It's happened before and it happened again twice on Monday, May 8.

Despite a strict requirement to notify local officials and the public immediately after a chemical agent release, the Army waited an appalling four hours before notifying anyone off base. The general public didn't find out about the incident until Wednesday, and the sparse and conflicting information surrounding the incident has local citizens and public officials and the media baffled.

Citizens asking for basic information on the incident at a public meeting in Utah last week were repeatedly cut off and cut down by officials with the Army, its contractors and Utah state regulators.

In addition, as you may have heard today in Anniston, EPA is now poised to grant the Army approval of a permit to burn PCB-laden rocket shipping tubes in these same incinerators. Public involvement in this

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national permit approval was so lacking as to be virtually nonexistent.

Even though the permit is applicable to any chemical weapons incinerator, including the ones still under construction in Anniston, Alabama and Pine Bluff, Arkansas, only one public meeting was held, in Utah. Citizens wanting information on the draft permit were directed to information repositories in Utah and neither the incinerator in the Pacific nor Utah successfully passed its trial burns for these PCBs.

In contrast, three non-incineration technologies will begin demonstrations in June for chemical weapons disposal to affirm their capability to destroy these weapons without the production of dioxins, PCBs or any other persistent chemicals. Two technologies have already passed demonstrations successfully and are ready to move to the pilot plant phase.

So the question still remains: Are the sites where incinerators are operating and in the sites where incinerators are being constructed in communities of color -- should these communities be subjected to the risks of incinerators which are capable of, and have, released chemical agent out of the smokestack? The answer is no.

Should these communities get a fair shot at safer technologies? Yes. But how can they, when construction of multi-million dollar incinerators continues?

I understand that the NEJAC subcommittees are not well-equipped

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for handling federal facility issues and understanding that this issue was recently passed along to an official in the Federal Facilities Enforcement Branch of the EPA, I wanted to bring forward this information to underscore a need for support from NEJAC to pull the permits for these incinerators now and instead support non-incineration technologies.

It is not too late to make the change and for the safety of people living at this site it certainly can't happen too soon. Thank you.

MR. TURRENTINE: Thank you.

MS. CROWE: Thank you.

(Applause.)

MR. TURRENTINE: James Friloux of the Louisiana Department of Environmental Quality.

PRESENTATION BY MR. JAMES J. FRILOUX

LOUISIANA DEPARTMENT OF ENVIRONMENTAL QUALITY

MR. FRILOUX: Good evening. Thank you, Mr. Chairman, Mr. Lee, and members of the Council for allowing me this opportunity to make my remarks. Really what I'm going to read to you is a short progress report.

My name is James J. Friloux. I work for the Louisiana Department of Environmental Quality, or LDEQ. I serve as the LDEQ's ombudsman and I manage the agency's Community-Industry Relations Program.

In December of 1998 the NEJAC held its meeting in Baton Rouge,

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Louisiana. During the course of that meeting the members toured the industrial corridor between Baton Rouge and New Orleans. One of their stops was in the community of Norco, Louisiana, a small community surrounded by industry.

During that week an incident occurred that caused the companies to alert the community of a possible chemical release. Citizens from the community came to the NEJAC meeting and at one of the public comment sessions expressed their concerns over the threat to their health and lives from living next to the Norco industrial complex.

At that session I was asked whether the DEQ could help the citizens of Norco, and I made a commitment that evening to work with the citizens of that community.

Two days after the adjournment of the NEJAC meeting we met with the industry representatives and citizens and reviewed all the aspects of the incident in detail. At that point I made another decision that the best way to address all the concerns of the community was to form a Community-Industry Panel. After several setbacks and false starts we formed the panel and held our first meeting in August of 1999.

The panel consisted of about 30 citizens from the neighboring communities of Norco and New Sarpy, which is the adjacent small town, and representatives from the five industries that surround the towns.

Since that first meeting, we have held eight monthly meetings.

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The panel members set their own agenda and select their own topics for discussion. To date these topics have included emergency response, evacuation routes, health issues and job training.

The DEQ's role is to hire an independent facilitator to run the meetings, and we pay for the rent of the buildings.

We intend to continue the meetings throughout the rest of the year 2000. The meetings have been very productive and a real dialogue has been established between the citizens of the two communities and their industrial neighbors.

Thank you.

PRESENTATION BY MS. FARELLA ESTA ROBINSON
U.S. COMMISSION ON CIVIL RIGHTS

MS. ROBINSON: Good evening. My name is Farella Robinson. I'm with the U.S. Commission on Civil Rights. Thank you for giving me an opportunity to briefly speak to you on behalf of the Louisiana Advisory Committee to the U.S. Commission on Civil Rights.

The Commission on Civil Rights is responsible for conducting fact-finding studies and hearings on civil rights developments and issues across the country. We have 51 advisory committees in all of the 50 states and the District of Columbia, one of which is the State of Louisiana.

I'm here this evening to announce to you that the Commission is

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working on environmental justice issues. We have been working on this issue specifically in the State of Louisiana since the early 1990s.

Some of you may be aware that we issued a report in 1993 called The Battle for Environmental Justice: Government, Industry and the People. We are now currently doing a follow-up to that study because of the ongoing problems that continue to exist in Louisiana and to take a look at the complex environmental problems.

We feel that the Commission has made a major contribution to assisting the environment justice and civil rights issue to bring it to the forefront in terms of Title VI of the Civil Rights Act of 1964.

One of the recommendations that we made in that report is that we recommended that EPA and state and local officials begin to look at Title VI as being a part of environment justice and to prohibit discrimination on the basis of race and national origin. We feel like we made a major contribution to EPA at this time, and many other state agencies, in implementing or taking a look at this issue.

We would like to invite you to our public hearing that we will be holding September the 12th through the 13th in Baton Rouge at Southern University. This will be a two-day hearing at which we will reexamine what has taken place in the State of Louisiana since our 1993 report.

So we invite you to attend and participate in that public hearing.

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It is open to the public. It will be videoconferenced throughout the state.

Thank you.

MR. TURRENTINE: Thank you very much. I was remiss, and I think, Tom, you had a question for someone, one of the presenters, and I overlooked you, Tom. I apologize for that.

MR. GOLDTOOTH: I had a question, Mr. Chair, for Elizabeth Crowe that testified. Maybe if she can come back up to the table.

MR. TURRENTINE: Elizabeth.

(Pause.)

MR. GOLDTOOTH: I'm familiar with one of the -- well, with a couple of these facilities -- to my knowledge, the Umatilla Army Depot that has an incinerator there that burns these military toxic materials. I believe that's already been listed as an environmental justice issue. The Umatilla Tribe, I believe, has been in opposition from the very beginning on the siting of that facility. Is that correct?

MS. CROWE: That's correct. To my knowledge, the Tribe hasn't come out and stated they are necessarily opposed to the technology, but they have raised a lot of concerns around it, and they've had a lot of problems at that site in the last six months.

MR. GOLDTOOTH: Okay. When you mention technology, do you know what the burn efficiency is of those facilities that should be of concern?

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MS. CROWE: Yes. And that facility in Oregon actually is not -- it's still under construction and the Army has actually had construction held up. They've had a lot of emergency preparedness concerns and actually a string of bomb threats at that plant.

The alternative technologies that are being looked at right now would most definitely be applicable to that site. In fact, 63 percent of the stockpiled chemical weapons they have in Oregon is identical to that in Maryland where they currently have a pilot plan under construction for neutralization, which is a very low temperature, low pressure process.

That is what a lot of people in that community, including a lot of the tribal members, are interested in. Not necessarily supporting it one way or another, but looking at the other alternatives that could definitely be used in Oregon.

MR. GOLDTOOTH: One more question, Mr. Chair. On the Utah facility, that isn't operational right now, right?

MS. CROWE: Not at this moment. They're shut down indefinitely until they can figure out what happened with the chemical agent release they had on May 8th. But before that, technically it's operational; it has its permit with the State of Utah and they have been incinerating weapons there.

MR. GOLDTOOTH: But that facility then has been operating and

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from my knowledge there's been multiple closures of that because of explosions and other activities, right?

MS. CROWE: That's correct. They have had a lot of instance. And most of them we found out by anonymous sources within the plant and whistle blowers. But the Army has also admitted that they have had chemical agents migrating throughout the plant. Even though there are a lot of incident reports that show workers have been exposed, they still maintain that none of them have suffered yet from their chemical agent exposures.

We've been to court several times and on the merits belief we've really shown that the technology is still very experimental and actually has not been destroying the agent completely, that it has gone out the stack, that it is migrating through the plant and that workers and possibly the public have been exposed.

MR. GOLDTOOTH: And that Utah facility, from my understanding, is next to the Goshute -- Skull Valley Goshute Tribe?

MS. CROWE: That's correct.

MR. GOLDTOOTH: Do you know if they were ever consulted in the beginning on the siting of that issue and whether or not they supported it or if there were cultural, spiritual or other cumulative impacts that might affect them? Are you aware if any of that was ever done?

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MS. CROWE: I'm not aware of that at all. The programmatic environmental impact statement for the national program was completed back in 1988, and to my knowledge environmental justice was not at all part of that analysis.

MR. GOLDTOOTH: Is there any alternative to the incineration of these --

MR. TURRENTINE: One last question, Tom.

MR. GOLDTOOTH: Okay.

MS. CROWE: Yes, there are five currently that are possible. Two that have already been through demonstrations in a federal program, one of which could be used there right now technically if the Army gave the green light to go ahead and build a pilot plant.

There are three more being demonstrated this summer. Those results should be ready by the beginning of 2001.

MR. TURRENTINE: Okay. We have one question from Rosa Hilda and then from Annabelle, and then we'll move to the next presenter.

MS. RAMOS: I have a question to Mr. James Friloux from the Environmental Department of Louisiana.

MR. TURRENTINE: Jim? Jim, are you still -- okay.

MR. FRILOUX: Yes?

MS. RAMOS: Thank you. I really want to comment the Louisiana

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state for the effort. I am well aware that you have really engaged in meaningful conversations with the affected communities.

I would like to know what efforts the state has completed to engage the affected communities early on [about] the Title V permitting process. Title V permits -- are you engaging the communities? Are you sharing information earlier in the process?

MR. FRILOUX: Yes. We share these primarily through the public hearing comment process. And, of course, all of the information is available.

Now, in the Lake Charles area, which is another troubled group of communities surrounded by industry, there have been several meetings -- not just with the state, but with the Federal Government and ATSDR -- in which we're trying to make as much of that information available as possible.

MS. RAMOS: Title V is a process which is very complicated for, you know, regular people, and it's very necessary for the state to share information to educate the communities regarding these permits. This permits an opportunity for the communities to express their concerns and to incorporate new controlled measures or new measurements of the pollution that is coming out of the facilities.

So I would encourage you to invite the communities to be part of the educational process.

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MR. FRILOUX: Yes. We plan to do that. And, of course, these panels are an educational process. They're a dialogue.

I didn't mention this earlier, but we are planning to set up another one of these panels north of Baton Rouge, which, of course, is another heavily industrialized area.

So we intend to continue this process within the limits of our small staff. I believe that this type of approach in which you set up a dialogue between the industries themselves and everybody else in the community, and including the agency that I work for, and EPA who always send a representative, by the way, to our panel meetings -- so we're putting all these resources together and making them available to the citizens in a non-adversarial session.

MS. RAMOS: Would you be willing to extend the comment period for some of the Title V permits that have, you know, already passed and the community has not participated?

MR. FRILOUX: The question is would we make them available?

MS. RAMOS: You know, I understand that there have been some permits on which the public comment has expired. Would the state be willing to extend the period of comments --

MR. FRILOUX: We have extended comment periods several times at the request of the citizens. If they ask, we do do that, yes.

MS. RAMOS: Thank you. Thank you very much.

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MR. TURRENTINE: Let me remind the members of the Council that we are taking quite a bit of time to ask questions. Inasmuch as I want you to ask questions for clarification, it really starts to eat into the time that we have for the public to make comments. So I'm going to have to ask you to limit your questions to measures of clarification or further amplification of a point that a presenter is making. Otherwise we are not going to get through the process.

MS. JARAMILLO: Mine will be brief, and it's for Elizabeth.

Could you share with us the types of chemicals we're talking about and the volumes, the magnitude of the problem?

MS. CROWE: Fine. The types of chemicals we're talking about are lethal chemical agents, nerve agents, and mustard agents that were made to kill in a very, very small portion.

The chronic health effects of these chemicals, fortunately, are not known because -- although we have a clue based on Agent Orange exposures.

MS. JARAMILLO: Mr. Chair, for our information -- I think she's covered that clearly -- there's something like 300,000 pounds of serine gas stored at the Umatilla Army Depot due to be incinerated.

MR. TURRENTINE: Thank you. Jerry. Oh, I'm sorry, Luke.

MR. COLE: Mr. Chair, can I just ask if other members are still having problems hearing both each other and the panel?

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MR. TURRENTINE: Yes.

MR. COLE: Can you raise your hand if you're having trouble hearing the panelists?

MR. TURRENTINE: Right. I've asked the staff to get with the technical people because it is a problem.

MR. COLE: Okay.

MR. TURRENTINE: I hope they're correcting the situation now because I understand when Rosa Hilda was speaking that you all could not hear her.

MR. COLE: I can't hear Rosa Hilda.

MR. TURRENTINE: And then we also can't hear the presenters that clearly. So if the technical people can make the adjustments on the sound system. I mean, I'm getting an awful lot of feedback even now.

I can hear fine from the presenters, but from this direction (indicating) the volume is not carrying. So, members of the Council to my left cannot hear members of the Council from my right when they're making presentations. And in some instances members of the Council on my left and on my right are not able to hear the presenters. So I need that situation corrected as soon as possible.

Jerry.

PRESENTATION BY JEROME BALTER
PUBLIC INTEREST LAW CENTER OF PHILADELPHIA

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MR. BALTER: Thank you, Mr. Chairman. My name is --

MR. TURRENTINE: Please, into the mic, Jerry.

MR. BALTER: How is that? A little better?

MR. TURRENTINE: Yes.

MR. BALTER: Okay. My name is Jerry Balter. I'm an attorney with the Public Interest Law Center of Philadelphia. I do environmental work. My clients are all community groups from minority populations who are having problems with existing facilities and who are having problems with the possibility of having more polluting facilities.

I have been involved in the question of how to deal with Title VI, and for the last two years, ever since EPA came out with what we call Interim Guidance, I've been involved for a long time.

I think the tone for the discussion is in the notes that this committee sent out, it's on page 1, and it reads as follows. It says, "Dr. David Satcher, Surgeon General, recently stated that a major national health goal for the next ten years should be to reduce the health disparities that exist in this country and which are especially apparent in minority, low-income, and/or indigenous communities."

Mr. Chair, it is my opinion that the EPA's Interim Guidance does not deal with that issue at all because the Interim Guidance does not have any information, does not require any information, does not look for any information having to do with the health of the community in

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which there is a proposed facility.

It was for that reason that the Law Center put forth two years ago a substitute and alternate guidance system, or what we call a protocol, an environment justice protocol.

That protocol is based upon the following philosophic concept. It says that if a community in which somebody wants to put in a polluting facilities -- if that community has a disparately poor health record, poor health status, it should not have to put up with another facility regardless of how that poor health status came about, because to put in an additional facility is to increase the poorness of its health and therefore make it more disparate with respect to the communities that don't get this facility.

And so our position is quite clear. We look for the health of the community on a comparative basis. Tomorrow night someone from our office will present how we go about doing that disparate analysis.

All the data comes from state official health data. You can compare one census track with another census track, one census track with the entire city, one census track with the entire county, the state, and if you want, you can compare it to the entire country.

That is the only way you're going to find out what the comparative discrimination is. In order to have discrimination there's got to be a comparison.

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The EPA system of cumulative risk analysis has nothing about comparison at all. Nothing. Nobody knows how they're going to make a comparison and, therefore, how they're going to decide whether or not a permit should or should not be issued.

Our system is right above board. The community can know just what's happening because we're dealing with people's health. The community knows about health. They don't know about the intricacies of dioxin and they don't know about the intricacies of some of these Agent Oranges. But they do know when the damned place smells like hell and they do know when people are ill.

Therefore, we have to have a system based upon the health of a community. And in order to protect the health, in order to fulfill the goal of Dr. Satcher, you've got to have it based upon the health of the community.

This was backed up by the recent book put out by the Institute of Medicine which said you have to have a system based upon health.

We will put forth tomorrow a system based upon health and we ought to get rid of the EPA's proposed impact analysis, cumulative impact analysis, which only leads to money for lawyers and for experts, and it will never get down to the question of protecting communities.

Thank you.

(Applause.)

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MR. TURRENTINE: Thank you, Jerry.

Marinelle. And, Marinelle, keep it to one question.

MS. PAYTON: I just wanted to comment that --

MR. BALTER: Excuse me. I can't hear to start with, even if the speaker system was good, so please speak up loudly.

MS. PAYTON: Okay. I just would like to say that this is an issue that the Health and Research Subcommittee would like to consider. That's about as brief as I can get.

MR. TURRENTINE: Rosa Hilda.

MS. RAMOS: I would certainly encourage you to engage in the process of commenting on the regional environment justice policy. Each EPA region must develop an environment justice policy, and I would encourage you to engage -- you know, work with them in incorporating these concepts into the policy.

MR. BALTER: I'm not aware of that. What you say may be perfectly correct. All I know is that the Interim Guidance had absolutely nothing on the question of health.

MS. RAMOS: Okay.

MR. TURRENTINE: Okay. Thank you, Jerry.

MS. PAYTON: I just wanted to add that at the last meeting the Health and Research Subcommittee had Mr. Jerome Balter to actually talk with us on that issue, and we are considering that. Thanks.

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MR. TURRENTINE: Thank you. Ms. Bradshaw.
PRESENTATION BY MS. DORIS BRADSHAW
DEFENSE DEPOT MEMPHIS, TENNESSEE
CONCERNED CITIZENS COMMITTEE

MS. BRADSHAW: My name is Doris Bradshaw, and I'm the President of the Defense Depot Memphis, Tennessee Concerned Citizens Committee.

The issue that I'm bringing to the table today is probably something that a lot of the federal facilities have to deal with. We have no mechanism to complain to. We don't have a complaint system.

The reason why I'm stating this is simple things like emergency response, emergency preparedness, when we're dealing with the removal of chemical weapons in our community.

I'm going to try to explain this without a diagram, and then I will submit a letter that was submitted to the Defense Logistics Agency so that you can get an understanding of what I'm talking about.

This community is surrounded by about 60 acres that is called Dunn Field. On the outside of Dunn Field is a street called Person, with a street adjacent to Dunn Field called Cal (phonetic) and Wazel (phonetic) which Cal turns into Wazel. About 20 people live in this little dead end area. It's a community with nothing but elderly people because the children have grown up and left.

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DLA is removing chemical test kits which consist of like mustard gas, nerve gas, and other things that the servicemen have to sniff.

What is happening is that DLA decided for us what type emergency preparedness that they were going to give this community. They decided that we would have a "stay in place" in case the worst scenario should happen.

But this is not enough for this particular community because, as I stated, it's a dead end and there's about a 40-foot wall at the end of the street. There is no way people can be air lifted out of the community if the worst scenario should happen.

As you know, Memphis is not the type of place in the summer that you can stay in place, cut off air conditioning, stuff towels in the doors and put plastics over windows. What you'll find is a lot of dead people because the weather gets -- once June sets in, the weather starts at I guess between 95 and 100--and something in the summer in Memphis. And this is during the time that they have chosen to remove mustard gas, bombs, and chemical warfare materials and other chemicals.

I feel like that the more that we ask this agency to respond and try to understand how we feel about the removal of these types of chemicals, the more retaliation we get.

As I said, we have no mechanism set up for us to complain because EPA has turned a deaf ear to us, regardless of what it is. I

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can't go to the Environmental Justice Department because their response is, "Well, what can we do?" And the gentleman that they're using on site as far as -- he never responds to any of the concerns, at least to let us know that he has taken them to EPA. We know nothing.

The community is still left out of the process.

I'm asking EPA and NEJAC that the federal facilities need some type of mechanism where we have some type of complaint system that we can register our complaints. For five years we've been talking and I haven't seen anything done. And if it is, I don't know anything about it.

And so I'm asking that we've got to have some type of mechanism set up for federal facilities, whether it's a subcommittee or a place on the board, or whatever. This is a serious issue and it's affecting all of us throughout the United States that have to deal with federal facilities.

Thank you.

(Applause.)

MR. TURRENTINE: Thank you, Ms. Bradshaw. I want you to know that we have heard your concerns. We will take this up in subcommittee this week, and we'll have someone from staff and also from the Council to get with you.

We just simply have to explore this much further before we know in which direction to go. But we have to at least sit down with you and

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with the people from Memphis and try to figure out what, if anything, we can do. And if we can't do anything, we have to figure out who the appropriate people are that we can direct you to.

So, thank you for your presentation.

I would now ask --

MS. RAMOS: Mr. Chair, I have a question.

MR. TURRENTINE: Rosa Hilda.

MS. RAMOS: I would like to know what the local emergency planning committee role has been in your community, because, you know, this is the place where you can file complaints and request information.

MS. BRADSHAW: Our Emergency Preparedness Plan for the Emergency Department in our community -- I guess it's called the Emergency Response Team -- they stated to DLA that they were not prepared to deal with this type of emergency dealing with chemical weapons.

Like I said, I will bring the letter tomorrow that we submitted to the top official at DLA, and their response. This will help you to understand exactly what is going on. Plus, the Emergency Preparedness Plan which they didn't address the children getting out in the evening. None of the two issues surrounding our community.

Actually, it has never been -- they have never gathered the

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concerns of the citizens. They told us what they were going to do and how they were going to do it, and that was the end of it.

MS. RAMOS: It is my understanding that according to the law there must exist a local Emergency Planning Committee which must include the community. I'm not talking about the Emergency Response Unit from the environmental agency of the state.

I want to bring this to the table and I think it's important for us to discuss the role of this local emergency planning lack of engagement in your community.

MS. BRADSHAW: When you're dealing with DOD it's different laws and they're kind of like exempt from a lot of laws. So you're dealing with a different entity. DOD and DOE set their own laws, so we would have to go and look and see what they have set for in their what they call public participation because it's a different definition from what we use under normal circumstances.

MS. RAMOS: I understand. Thank you.

MR. TURRENTINE: Thank you very much.

(Applause.)

MR. TURRENTINE: Annabelle.

MS. JARAMILLO: I think, Rosa, your comments -- you know, I appreciate your comments. I think what we're dealing with here is delegated authorities to the state, so I think it's really a political issue --

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MS. RAMOS: I know.

MS. JARAMILLO: -- that the states have to deal with and the relationships they have with those federal agencies that could listen. The agencies are not listening so I'm not sure that emergency preparedness is going to get us there. I think it has to be more political will, if you will, to take that delegated authority away.

MR. TURRENTINE: Thank you.

MS. RAMOS: But, you know, the role of the local emergency plan --

MR. TURRENTINE: We're going to have to move on, guys.

MS. RAMOS: -- is defined by law.

MR. TURRENTINE: We're going to have to move on.

I'm going to beg the indulgence of the next presenter. I don't want to butcher your name, so I'm going to ask the person from the A.L. Lewis Historical Society to please come forward. Forgive me, but I don't know how to pronounce your name and I'm not going to attempt to and butcher your name.

MS. BETSCH: It's MaVynne Betsch.

MR. TURRENTINE: Okay. Please have a seat.

We also have Sarah Craven. Is Sarah in the room?

Is Jeannie Economas in the room?

Is Dr. Beverly Wright in the room?

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And is Mr. Lopez, Chavel Lopez, in the room?

Please proceed.

PRESENTATION BY MS. MaVYNNE OSHUN BETSCH

A.L. LEWIS HISTORICAL SOCIETY

MS. BETSCH: My name is MaVynne Betsch and I'm the great-granddaughter of A.L. Lewis, Florida's first Black millionaire.

He founded American Beach, which is Florence, the only Black beach community, in 1935. This place is so special. It's the only Black beach perhaps left in the United States.

We have not one, not two, but three telecommunications towers. They are zapping us to death. Absolutely. To compound this, we have a cumulative effect of other things going around us. As you can imagine, this is in Florida so we have billion dollar resorts on either side of us. We have been delegated the parking lot of the entire south end. So the air pollution is outrageous.

The Black males in northeast Florida are number one for lung cancer. We have no tree ordinance. We have no seven golf courses, with all of that pollution going into our wells. We have two paper mills -- not one, but two -- on this 13-mile island. And to add to that, we also have a coal-fired plant to the south.

The developers are now putting up seven more new condos. Guess where the sewage treatment plant is for the south end? You got

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it; right in our community.

The mosquito spraying is also a problem because of the chemical residue that stays there.

We have also a very old community, because, as I said, it was founded in 1935, so there are many retired people there, women. And, of course, many of the standards for telecommunication towers use the white male as their role model. And, of course, we are not

Florida is number one for sickle cell for Black people.

We are also in the middle of military bases. We have the King's Bay Military Base to the north and we have other military bases to the south, with all of that radar zapping us.

Blacks have a death rate 2.5 times higher than whites in general. Black males have higher prostate cancer than anyone else in the world. Breast cancer is the number one cause of cancer related deaths for Black women.

American Beach is so special. I would like to ask if possibly your Health and Research Subcommittee would encourage the EPA to help us to see what can be done. Those telecommunication towers were put up in the middle of the night; we did not have the public hearings that we should have.

I think I'm the only one here with telecommunication towers. They are now a problem in many of the communities, Black communities, in

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Florida because of the cell phone situation there.

Please help us in any way you can. I healed my cancer at American Beach before all of this started, and the place was a beautiful spiritual and physical place for people to heal. Now it's a horror. We are afraid to even sleep at night. The situation there of the cancer rate has increased.

So, please, it's a very special place. Germany has sent a professor there to study us. We are so unique. We have the Supreme Judge for the State of Florida. My sister, Dr. Joan Etocol (phonetic), who was president of Spelman, played there as a child. And as I said, the insurance company was the first insurance company in the State of Florida. The students are studying us to death; we're so unique.

So please help us save this historical, cultural and spiritual place that is unique to America. Imagine, when whites were going into a depression in the '30s, we were buying our own beach. This is something you should all be proud of, how African-Americans did their own thing back in the '30s.

So please help in any way you can because these telecommunication towers are there. They're ugly. Can you imagine? You're going there for your honeymoon, going, "Oh, darling, look at the moon," and bam, you see these horrible things standing up there. So even from an aesthetic standpoint they are disgusting. But from a

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health standpoint they're even worse.

Please help us. Telecommunication towers are going up like a cancer all over the country, and they're picking Black communities to put them there.

So, in any way that you can possibly help us, we would like that to be part of your priority. The reason why I'm appealing to you -- I'm not exactly your garden variety African-American woman; having lived in American Beach, I now have the longest hair -- it's seven feet long -- so you see that it does pay to have a good healthy place to live.

Thank you very much.

MR. TURRENTINE: Thank you.

(Applause.)

MR. TURRENTINE: Thank you very much.

PRESENTATION BY MS. SARAH CRAVEN

SIERRA CLUB

MS. CRAVEN: I'm Sarah Craven, the Sierra Club field organizer for Louisiana and Alabama.

I want to raise a few examples of how the current regulatory process and state agencies designated authority by EPA are failing the communities they are designed to protect. Some of my comments today are given with permission of the community members in Louisiana and Alabama who are unable to attend this event.

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The first example I want to raise involves CAFO, confined animal feeding operations, and their regulations in Alabama.

Until this year, the State of Alabama had no regulations on hog CAFOs. So the state environmental agency, ADEM, allowed the CAFO industry to write recommended regulations. The public was then allowed to have input on the regulations as part of the supposedly public participation process.

An environmental committee was appointed by ADEM to make comments. They took this process very seriously and in good faith researched and developed recommendations for CAFOs to make sure that public health, the environment and quality of life were adequately protected.

What happened? ADEM did not accept a single significant recommendation of the environmental committee. And yet ADEM publicly claims that the environmental community participated in the writing of the CAFO regulations.

So the regulations on the books in Alabama were written by the very corporations they are established to regulate, which has resulted in these hog factories operating 100 feet from people's homes, residents contracting typhoid and other ailments from hog waste contaminating their drinking water, property values plummeting by 25 percent or more, and the quality of life of these homeowners to be

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literally destroyed by the odor and air pollution they must constantly live with.

Keep this situation in mind when I raise a second problem with the regulatory system. As I mentioned, the process calls for public participation. In the town of Amelia, Louisiana the state agency issued a permit to GTX Hazardous Waste Incinerator without having established rules and regulations governing these incinerators.

They, too, gave the public opportunity to raise concerns with the permit at a public hearing, but as was almost always the case, no agency decision maker was present.

The GTX Corporation had all the time it needed to put together its permit application. The public got six weeks to read this enormous amount of technical information, learn how to interpret it, and provide comments.

In this situation it's important to note that the critical EPA health impact studies, the only ones that showed there are significant health risks from GTX, were hidden from the public throughout the permit comment period.

This was hardly an open process and hardly an example of the agency acting to protect any interests except that of the industry.

From the beginning the agency treated the public as adversarial, not disclosing where the hazardous waste landfill would be, denying the

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public's request for more time to research, ignoring community requests to cite the industry for violations.

The democratic process should be allowing citizens the opportunity for self-determination. The permit process, instead, places citizen input at the mercy of the agency who justifies its decisions based on information provided by the biased corporation seeking the permit in the first place.

The public is forced to see the agency as a hostile entity because even when evidence is stacked against the facility, the agency almost always approaches the situation with compromise on its lips looking for a way to trouble-shoot after the fact.

The agency's attitude is nearly always to make the situation work to allow the industry to operate. In the case of CAFOs in Alabama, the agency sat back while the CAFO contaminated well water, and instead of defending the community's right to safe drinking water, then had the residents put on city water. They offered no repercussions to the CAFO, the source of the contamination, nor any proactive solution.

These agencies are supposed to protect the environment and public health; instead, they exist as if their only mission is to permit industry.

Without the resources of the corporations, without the scientific expertise to oppose the claims of the industry which the state agencies

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have shown they're all too willing to defend, without the agencies regarding public input as credible or withstanding, and without any means for the public to democratically determine what kind of business they want in their community, the process forces these communities to use the courts as their only recourse, and that's only if they can find representation they can afford. In the case of Louisiana even that has been severely reduced by Rule 20.

In summary, the regulatory process is stacked against the public interests. The permits are written, it seems, for the public to not understand. The public is forced to put their trust in the state agencies that they will interpret the regulations and the permits for them and in the end see to it that public health and the environment are protected. But time after time this is not the case.

These agencies should be doing risk assessments, impact studies, property value assessments, and health studies before the permit process even begins. Instead, the public is left out of any meaningful participation in the process and forced to see the state agency's designated authority by EPA as reinforcements for polluting industry claims.

This process and the agencies that conduct it are failing the public. There is no environmental or economic justice if the agencies established in the public interest will not defend the public interest in the

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fact of industrial pollution, but instead force a community without resources to defend themselves.

Thank you.

(Applause.)

MR. TURRENTINE: Luke.

MR. COLE: Mr. Craven, I'd just like to direct your attention -- there is a resolution that's been passed out of the Enforcement Subcommittee on CAFOs that does not specifically address the concerns you raised, but in the Enforcement Subcommittee on Thursday at 2:00 we're having a presentation on CAFOs and we'd be very interested in having you attend that and also participate in that conversation as we further monitor EPA's efforts and state efforts on CAFOs. So, thanks.

MS. CRAVEN: Thank you.

PRESENTATION BY MS. JEANNIE ECONOMAS
FARM WORKER ASSOCIATION OF FLORIDA

MS. ECONOMAS: Thank you for this opportunity to address this meeting. My name is Jeannie Economas. I'm with the Farm Worker Association of Florida in Apopka, Florida. We're a non-profit grassroots farm worker organization and we represent over 7,000 farm workers in the State of Florida.

We're here to address our concerns about our nation's chemical dependency on pesticides. We're very concerned about farm workers'

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well-being. We work for better housing, wages, working conditions for farm workers, but also we're concerned about farm worker health. And farm worker health is jeopardized by pesticides.

Pesticides are a very pervasive problem in the country today. It's the silent killer. We were warned in the 1960s by Rachel Carson in her book "Silent Spring," and to this day instead of having improved the pesticide situation in this country, it's only gotten much worse. There are thousands of pesticides that are being approved every year. Our environment is suffering and so is the health of farm workers.

We're concerned about the broad spectrum of pesticide issues, but I'm here tonight to specifically address the problem of methyl bromide.

Methyl bromide is one of the most toxic pesticides and it's one of the most widely used pesticides. It's scheduled by the agreement in the Montreal Protocol -- it was scheduled to be phased out in the United States by the year 2001. Lobbying by agribusiness pushed that date back to 2005 because agribusiness said that there were no alternatives to methyl bromide.

There's two things we're very concerned about. One is that we understand that there are rumblings within the agricultural community that they are trying to push that date back even further, to 2015.

Methyl bromide not only is very dangerous and very toxic on direct contact, and farm workers are on the front lines of pesticides. Their

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health is the first that is jeopardized. All our health is jeopardized in the long run because of the effects on our environment.

Methyl bromide is being phased out because of its effects on the ozone layer. It's 50 times more potent than CFCs per atom in destroying the ozone layer. And that affects all of us. That's going to mean increased cancer rates, increased risk of cataracts and other kinds of health problems for all of us.

What we're concerned right now is that we understand that there is pressure by agribusiness to get a drop in replacement pesticide for methyl bromide. And that is that instead of looking for alternatives that are sustainable, such as soil solarization, integrated pest management, crop rotation, and other kinds of alternatives, agribusiness is looking for a quick fix. They're looking for another pesticide that will be a blanket pesticide that they can use in place of methyl bromide.

This is an insult to all of us. Right now EPA can do something about it. There is a pesticide called toluene-2 that is up for re-registration and that's to be a drop-in replacement for methyl bromide.

We have written in protest against the re-registration of T-lone-2 to be a drop-in replacement, but we're just very concerned that other pesticides will come along also.

Research needs to be done for sustainable agriculture and sustainable alternatives. Agribusiness would have us believe that

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sustainable agriculture is not feasible, it's not economical and it's not profitable. Don't believe it. If we can land a man on the moon, we can certainly find alternatives to the pesticides that we have.

Again, once again, farm workers are on the first defense. Unfortunately, just like some species, indicator species of what's bad in the environment, unfortunately farm worker health is an indicator of what the health for the rest of us is going to be if we don't reduce our use of pesticides.

So one step that EPA can do, a very proactive step, is to look at the whole pesticide registration process and the whole research into alternatives. We are calling for that right now and we know that the EPA will not bow to agribusiness pressure and will stand up for the environment and for public health to reduce our dependence on pesticides, especially methyl bromide.

MR. TURRENTINE: Thank you very much.

(Applause.)

MR. TURRENTINE: Luke and then Arnoldo.

MR. COLE: Mr. Chair, I'd just like to point out to the members of the Council how this is a cross-cutting issue. Methyl bromide also has a disproportionate impact on residents and students near fields where it is used, and as such was the subject of a Title VI complaint filed by students and parents in California because the schools, the public

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schools, closest to the fields at which the greatest amounts of methyl bromide are used are overwhelmingly Latino -- ranging between 70 and 95 percent Latino -- the 30 public schools at which the greatest amount of methyl bromide is used.

This is another one of the Title VI complaints that EPA has had for over a year and has done nothing with. So the enforcement of Title VI cuts across the enforcement of pesticides here, and I just wanted to point that out to the Council -- or the lack of enforcement of Title VI, I should say.

MR. TURRENTINE: Thank you, Luke. Arnoldo and then Fernando.

MR. GARCIA: Mine is just an announcement that Jeannie Economas and a couple of the guests are going to be discussing this issue on Wednesday morning at the International Subcommittee in trying to -- excuse me, Thursday -- Thursday morning -- to come up with some recommendations on the nature of the issue.

MR. TURRENTINE: Thank you.

MR. CUEVAS: First of all, I want to thank Jeannie for coming and her presentation. Just for information-wise, I was working in 1979 along side actually my compadre Manuel Moreno in Florida in strawberries.

Fortunately I was working in another area, but he was working laying the plastic behind the tractor on strawberries with methyl

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bromide. On the third day of work he went home and before he could even start eating, he just started cramping, vomiting and just dropped.

They took him to the emergency room and he was in a coma for seven days. For seven days they didn't know if he was going to live or die. Fortunately, thank the Lord, he came out of the coma, but his whole nervous system is shot.

This man was a smoker; he couldn't even light his own cigarette because he shakes so much that every time he wants to use his fingers or hands, he has no control. The muscles are totally out of control.

And I'm talking 1979, and here we're discussing the issue of whether methyl bromide should exist or not. I, myself, witnessed this person working along side me and dropping and being in the hospital seven days like dead, and then coming out of it and ruined for life, for the rest of his life. So, how many thousands of farm workers are going through that?

I just wanted to add that. Thank you for reminding me of that, Jeannie.

(Applause.)

MR. TURRENTINE: Thank you.

MS. RAMOS: Mr. Chair.

MR. TURRENTINE: Rosa.

MS. RAMOS: I just want you to be aware of the possibility of a

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catastrophic accident while transporting methyl bromide. It's an issue of concern in many communities. This should not be overlooked by the NEJAC Council.

MR. TURRENTINE: Thank you. And thank you, Jeannie.

PRESENTATION BY MR. CHAVEL LOPEZ

SOUTHWEST PUBLIC WORKERS UNION

REPRESENTING THE

SOUTHWEST NETWORK FOR ENVIRONMENTAL AND
ECONOMIC JUSTICE

and the

ENVIRONMENTAL PROTECTION ACCOUNTABILITY CAMPAIGN

MR. LOPEZ: My name is Chavel Lopez. I'm here representing the Southwest Network for Environmental and Economic Justice, the Environmental Protection Accountability Campaign. I'm also director for the Southwest Public Workers Union which is a co-founder of the Southwest Network for Environmental and Economic Justice. I will be reading from a prepared statement.

Throughout the southwest people of color are organizing to create healthy communities. This a very difficult challenge since our neighbors, families and co-workers are either physically, spiritually or mentally unhealthy due to disproportionate amounts of environmental hazards they must live, work and play in day in and day out.

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The Southwest Network for Environmental and Economic Justice is here to testify about the national health crisis in low income, working class and people of color communities. The Southwest Network for Environmental and Economic Justice is composed of over 70 grassroots organizations, trade unions, Native and student groups throughout the southwestern United States and Mexico.

For too many years our communities have been treated as expendable members of society, our friends and families have been slowly dying due to toxic exposure from various sources. Many others learned to live with the knowledge and pain that one of our loved ones is slowly being killed by cancer or having to wake up in the middle of the night to make sure our children are breathing since so many of them have asthma, or we must deal with uninformed or uncaring educational and health care institutions that do not know how to deal with our lead-poisoned children.

Historically low income, working class and communities of color have lived in neighborhoods that are disproportionately impacted by environment hazards. Our communities are zoned to accept dirty industry, toxic dumping, incineration, and military bases.

For example, in East Austin, Texas, a traditional Latino, Latina and African-American neighborhood is zoned for heavy industry and other unwanted land uses.

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In Richmond, California, African-American communities are surrounded by dozens of industrial facilities that handle toxic materials.

In the City of Los Angeles an estimated 50 percent of Latinos and Latinas and 71 percent of African-Americans reside in areas with the most polluted air, while only 34 percent of whites live in highly polluted areas.

In San Antonio, Texas, 248,000 Latinos and Latinas live in contaminated areas, and 50,000 African-Americans also live in contaminated areas.

For over a decade it has been clear that working class, low income, communities of color have been systematically exposed to hazardous chemicals and waste.

The disproportionate siting of polluting industries and hazardous waste dumps in communities of color and the continued exposure of people of color to extreme health and safety hazards in the workplace have contributed to the poisoning of our people, water, land and air.

In California more than 43,700 children ages one to five live in critical lead risk hot spots with the highest percentage of older housing for the poor and people of color. About 11 percent of African-American children and four percent of Chicano and Chicana children nationwide have lead poisoning, compared to 2.3 of the white children.

We all know that lead is a highly toxic heavy metal that can cause

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permanent neurological and behavioral problems, and that it affects virtually every system in the body. However, our children continue to be poisoned since local, state, and national programs and policies have failed to prevent and treat children.

Navajo teenagers have organ cancers 17 times the national average. Uranium spills from mining activities on Navajo land have contaminated their water, air and soil.

Latino and Asian children or mothers who work in high-tech industry using dangerous chemicals have high rates of birth defects and are born prematurely and suffer low birth weight rates.

An estimated 300,000 U.S. farm workers, most Latino and Latina and Black Caribbean, are poisoned every year by pesticides, according to the World Resource Institute.

Asthma is 26 percent more prevalent in African-American children than in white children.

There are too many examples of working class, low income and communities of color struggling to create healthy neighborhoods since our communities are viewed as toxic dump sites.

We are no longer going to accept the deliberate poisoning of our communities. We are here to encourage you to address this national health crisis. We must develop proactive strategies to address this national crisis to ensure that all people have an opportunity to a safe

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environment and healthy communities.

We are calling upon NEJAC to ensure that this health crisis becomes a priority for EPA and all federal agencies responsible for protecting people's health and the environment. The time to act is now.

I also want to submit a summary of the Health Symptoms Survey that conducted in San Antonio, Texas in communities that are being contaminated by Kelly Air Force Base.

Also, I just want to mention some of the sicknesses that we found in there. We found that eight out of ten adults surveyed suffered from central nervous system disorders; seven out of ten adults suffer from ear, nose and throat disorders; six out of ten children suffer from ear, nose and throat disorders; five out of ten children suffer from digestive disorders.

I just want to mention that we met last week in Region Six. We met with Gregg Cooke and Deputy Administrator Jerry Clifford to dialogue about some of the contaminated areas in Texas in San Antonio, Austin and Dallas.

It was a productive meeting. We talked about communications strategies. There's still a long way to go, you know, but it's a start.

Thank you.

MR. TURRENTINE: Thank you very much.

(Applause.)

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MR. TURRENTINE: Yes?

MS. MILLER-TRAVIS: I have a question for Chavel. I have a question for the speaker.

What has been the response from the Air Force in terms of what you all are trying to get? Have you put the question to them about health studies? Have they given you any response? What has been the relationship between the Federal Government and the Air Force and local agencies?

MR. LOPEZ: One of the things that we've done is that basically this health survey was conducted by actually the community, the affected community. It included a toxicologist from the University of Texas, Galveston, Mr. Myron Legator. Also statisticians and doctors that helped us, you know, conduct this symptoms health survey.

And basically they do not accept this health symptoms survey which simply is a list of all the different sicknesses in the affected community.

The ATSDR has gone and conducted a health assessment. The health assessment was basically done through Zip Codes. One of the things that the ATSDR found was that there was a high rate of cancer in the area, specifically in three of the Zip Codes in that area.

But yet they do not attribute the sickness to the contamination that the Air Force has caused. And we're talking about ground water

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contamination, TCE, PCE, DCE, vinyl chloride, soil contamination -- you know, lead, barium, chromium, and all this.

So we were very dissatisfied with the health assessment that the ATSDR conducted and we thought that it was flawed.

MR. TURRENTINE: Rose Augustine.

MS. AUGUSTINE: I would like to know if -- when you're talking about these communities, if you know if they have adequate health care in their communities, if there is a need for adequate health care.

MR. LOPEZ: Well, we don't believe that they have adequate health care due to the fact that the majority of the folks that live in this community are poor folks and basically don't have the income to address their medical needs.

MS. AUGUSTINE: Thank you.

MR. TURRENTINE: Thank you very much.

Is Marvin Crafter in the room?

Is Earnest Marshall in the room?

Is Usha Little in the room or Henry Rodriguez? Take a seat at the table, please.

Is Yevon Gavin Powell in the room?

Is Charlotte Keys or Kenneth Louisville, Jr. in the room?

Is Elodia Blanco in the room?

Jerilyn Lopez Mendoza?

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Before you start, for the members of the Council, has the sound system improved any for you?

PARTICIPANT: Yes.

PARTICIPANT: Yes, a little bit.

MR. TURRENTINE: Okay. Thanks to the technical people. We thank you for your attention to these details.

PRESENTATION BY MR. MARVIN CRAFTER
WOLLFOLK CITIZENS RESPONSE GROUP

MR. CRAFTER: My name is Marvin Crafter. I'm the project manager and founder of the Wollfolk Citizens Response Group for a Better Georgia. I have a prepared statement --

MS. RAMOS: I'm sorry, but I'm not hearing anything.

MR. TURRENTINE: Pull the mic closer.

MR. CRAFTER: I want you to hear.

I have a prepared statement, but before I do, I want to say this. Mr. Chairman, five minutes is not enough time for impacted communities to deal with the problems that have been created over 90 and 100 years in their communities.

Another thing is that the bar of justice suggests that there is parity on your level there is an insult to me because there is no parity in impacted communities.

Then, for the record, environmental justice is in competition to be

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the biggest lie that has ever been told in this country because if there were justice in these communities, there would be peace. And nowhere in this country where there is an environmental problem is there peace. Therefore, I think it is time to start the process of setting the record straight.

I'll start this comment in the spirit of the lack of trust and suspicion that I have held since my beginning association with NEJAC. The first activity that I attended I told members of my distrust of this organization. Then when I saw one of those members wearing an EPA identification badge at an activity in Hilton Head, he sort of lost ground with my community and myself as it relates to what you're all about.

But even with that, the jury is still out. What you do from here forward will determine where we are. You have not done enough for me to classify you as an enemy; but at the same time, you have not done enough that we can call you friend.

There have been, since I've been involved, a whole lot of accusations made against NEJAC. It is said that you are community pimps. You've been called names like knee-jerk and others. And you have been accused of operating a two-sided frame, leaving the communities out of important decision making decisions.

And while all of this concerns me, I am particularly concerned with the community pimp aspect. Although I am a country boy from the

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streets of Smalltown U.S.A., we know that a good pimp takes care of his women. When we look at what you all have done over the last 15 years, we as impacted communities have not been taken care of. And this must change.

Two weeks ago I asked for a copy of a NEJAC meeting of the recommendations that this body has made to EPA, and to date I still don't have those. But I really don't need them to understand that what has happened to this point has fallen farther than far from being adequate enough to meet the needs of the impacted communities. Therefore, I won't waste time on that.

I need to make -- I'm here to make a series of critical recommendations that we would like for you to take to the Environmental Protection Agency.

First of all, we're tired of being assessed. We need action. All over this country communities are asking for health care, more testing, earlier notification, and a myriad of other local unaddressed concerns. It appears, however, that these concerns have fallen, and these requests have fallen, on deaf ears.

The problem is that EPA dances to the tune played by Congress. Then they make us prohibited from lobbying. Therefore, the only thing we have is you. Everything that you've done is not bad. But it's our fault that you have not done and that we have not made official requests

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for being included in this.

Therefore, we recommend that the scope of NEJAC be expanded to include a group of independently selected special impacted community consultants from each EPA region to serve as a conduit between NEJAC and these communities to assist in identifying and addressing their needs.

Secondly, we further recommend that NEJAC expand this effort to include a medium through which adequate community needs are identified and addressed through a series of pre-NEJAC national committee meetings, conference calls and other outreach tools to be identified by that group.

This will assist you in adequately hearing what those needs and concerns of the communities are and in designing the tools that are necessary for them to be addressed.

Then, finally, millions upon millions of dollars are being spent researching research. Fourteen years ago the Environmental Protection Agency issued a document that said or that established a zero tolerance on the presence of dioxin. And now, fourteen years later, they're telling us -- just last week -- that that assessment is ten times worse than what it appears to me. In the interim, people have been dying from dioxin and all these other contaminants that they have been exposed to.

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It's time for us to bite the bullet and do what is right for these communities. If ten percent of the money that you have spent -- Mr. Chairman, can I have one minute, I'm about through? If ten percent of the money that you have spent researching research that tells you that this stuff kills us had been spent providing for health care for those people in impacted communities around Super Fund sites and federal facilities who are killing our folks, then we would be a long way ahead of the game as to what we need in our communities.

Therefore, we understand the problem. ATSDR is -- the largest percentage of their budget is from the Environmental Protection Agency. And with that they get a mandate that tells ATSDR that you can do everything that these communities need you to do, up to diagnosis. Don't tell me something is wrong with me without providing health care for me. But because they don't have the legislation or the mandate from EPA on the funding, we cannot have in Super Fund sites and around federal facilities where these things are killing us health care facilities.

Therefore, we also recommend that this committee recommend to EPA -- that NEJAC recommend to EPA that they expand their relationship with the Agency for Toxic Substances Disease Registry and provide funding for health care facilities at national priority list sites and at federal facilities where radiation and all kinds of other chemicals used

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by the military in warfare have been stored and are now killing people who are associated with that.

That's all that I have to say. What you do with that will determine whether or not I call you in the future a friend. But like the Incredible Hulk you wouldn't want to make us mad.

MR. TURRENTINE: Thank you very much.

(Applause.)

PRESENTATION BY MR. EARNEST C. MARSHALL
OMBUDSMAN DEVELOPMENT FOUNDATION, INC.

MR. MARSHALL: My name is Earnest Marshall and I went to the state that Mr. Crafter speaks of. When I was SGA president we saw a lot of students back in that time, in 1977, we was getting ill but we never knew that it was from environmental impacts. And we have youth now that I talk to who are getting ill.

But to get to the point, I'm an environmental social scientist. I was a community ombudsman because ATSDR, EPA, the city, the county could not work with these neighborhoods. So I went to work with these neighborhoods, South Atlanta, Chosewood [Lakewood] Park and Lakewood Heights. Also, Athens, Clark County.

Next to the Oconee River you have where the University of Georgia has been dumping hazardous waste that have been coming from the university's underground sites next to the city water waste

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treatment facility.

And also at the Will Hunter Road there's questionable dumping of radiation feeds that was used by the University of Georgia to transform chickens from 16 weeks to 6 weeks (sic). So anything that can make a chicken stop laying eggs and become larger, then there's some problems there.

I also want to speak to you tonight on -- in 1996 the EPA said that Atlanta was the safest place in the world. That was the biggest lie ever told. We have Mendez recycling that's located in South Atlanta that was polluting the neighborhood and even made some of the EPA people sick when they were coming to the 1996 Olympics.

We also have Parmazone (phonetic) that has not used fines to make sure that the people that get sick in these neighborhoods are dealt with, and these monies are squandered but not taken back into the neighborhood. We talk about trust.

We also have in our neighborhood Hispanics, Orientals and Blacks and Whites who don't understand that they're getting sick by pollution from General Motors old site because that site used to be an old munitions site and nobody has tested for anything that deals munitions. From 1941 to 1943 General Motors made 36 millimeter shells from that site to deal with World War II efforts and it was shipped to the Savannah coast to ship overseas. But nobody can tell me what's on that site.

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It's 84 acres and we have had 600 people sick in that neighborhood. But once we had ATSDR and EPA come in, there was a lot of research and nothing was done. So we started doing mobility studies and now we're finding out how many people are actually dying in that neighborhood.

My thing to you is that we need to make sure that justice is done on Executive Order 12898. We need to start with Georgia, and Georgia needs to have their Title VI funds questioned because of not only just the Savannah River site that deals with the contamination of tritium and the counties that are next to the Savannah River, but also with the -- Georgians have been told that they cannot eat any more fish from the Savannah River, and the State of South Carolina are telling their people also.

So Georgia needs to be one of the major projects because Region 4 is located in Atlanta, Georgia. So, for Region 4 to show me that they are trustworthy, then they need to deal with the State of Georgia and some of their contaminated sites.

We have one in South Atlanta. South Dale Avenue, old General Motors site, 84 acres, a munitions site. And also you have the aquifer contaminated because you had a tank farm that leaked into the aquifer. Now General Motors is still remediating from that site. They've spent \$2.5 million at this point just to clean up the facility and start by cleaning

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up the site.

Minos (phonetic), which is a South African company, came in and told me to my face, "I'm here for profit and I'm not here concerned about the environment." Minos, I've traced them to base closures, so they have a lot of political clout and they bought that piece of property for one dollar. They've taken that property and they've made a million dollars from a dioxin fire that they brought a lot of plastics there and the neighborhood was contaminated from dioxin. And they've also made money from tearing down the old General Motors site.

So, to summarize, I would like for you to make sure that Title VI in Dr. King's hometown can be dealt with. Show the governor of this state and the mayor of this city that environmental justice is real and not just a rubber stamp. Thank you.

(Applause.)

MR. TURRENTINE: Thank you.

MS. RAMOS: Mr. Chair?

MR. TURRENTINE: One moment.

Yes, Rosa?

MS. RAMOS: Would it be possible to have a copy of your comments? Could we have a copy of your comments?

MR. MARSHALL: (Inaudible.)

MR. TURRENTINE: Great.

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MS. RAMOS: Thank you.

MR. TURRENTINE: Thank you. Proceed.

PRESENTATION BY MR. HENRY RODRIGUEZ

NATIVE AMERICAN ENVIRONMENTAL PROTECTION COALITION

MR. RODRIGUEZ: My name is Henry Rodriguez and I'm from the La Jolla Reservation. This is an area of north San Diego County in California. I am also an elder of the Tribe and by permission I am an advocate for the local Tribal of the village which is Pechanga, Pala, Pauma, Rincon, La Jolla, and San Pasqual Reservations.

They are putting a landfill right next to a river, but I wish to address more our culture aspects because later on someone else will address the technical points, the BIRN (phonetic) and all that kind of stuff.

Since time immemorial, our people have used this huge sacred rock that's about half the size of one of these (inaudible) over here with pictographs as part of our Coming of Age Ceremonies. Our old people are gone, but our young people, we still visit the rock, we still use it as a place of worship and for our sacred rites that we have in the general area.

The thing -- I'll just hit the highlights of the things that are happening out there. They want to put -- Waste Management wants to put this landfill right next to this Medicine Mountain of ours. The rock is not the only one that has pictographs; there are many, many other sites

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and caves with pictographs throughout that whole mound.

The other thing is that if they do put the thing, it's almost going to be almost as high as our mountain that we have there. They want to put it adjacent to the river, adjacent to our sacred grounds, on top of the water basin Pala and upon the water basin. To me this is some of the stupidest things that I can imagine coming from our higher-ups over here.

The other thing that makes it even more appalling to us is that one of our tribes in the south wants the landfill and the county has rejected them.

Attending a water meeting in the State of California, the engineers addressed the technical points, the size of the mound, how deep it was, but not once did they mention the impact it would have on the rest of the people. It is lush with avocado lands, hot houses, and we're trying to get the help from them to support us.

So, Mr. Chairman, thank you, and the people that are here. We will be submitting our documentation to support us. Thank you.

MR. TURRENTINE: Thank you very much.

(Applause.)

MR. TURRENTINE: Tom.

MR. GOLDTOOTH: Mr. Rodriguez, where are they at in the process of this siting of the landfill? Is it in the assessment process?

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Has the impact statement process taken place?

MR. RODRIGUEZ: Yes. And I think one of the speakers is going to address that issue.

MR. GOLDTOOTH: Okay.

MR. RODRIGUEZ: And he's from the Pechanga Reservation and he will have that. He can answer that better than I can. Let's put it that way. Thank you.

MR. GOLDTOOTH: Thank you.

PRESENTATION BY MS. ELODIA M. BLANCO

CONCERNED CITIZENS OF AGRICULTURAL STREET LANDFILL

MS. BLANCO: Good evening. I am Elodia Blanco from New Orleans, Louisiana, and I live on top of a toxic landfill.

I know five minutes is not enough, so what I'd like to do is give you an abstract and an introduction about my community and the place that I live, and then complete tomorrow with the health aspects of my community.

I have a prepared statement.

This is a story of an African-American community and its fight to gain environmental justice. It was a community carefully planned by all aspects of the government. The U.S. Department of Housing and Urban Development approved funds under a federal grant to allow the City of New Orleans and the Housing Authority of New Orleans to build

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a community on top of a toxic landfill.

The main agency under the Housing Authority of New Orleans, Desired Community Housing Corporation, was instrumental in targeting low income African-Americans. They knew the area was a toxic landfill and made no efforts to present this information to the new homeowners before sale.

The Agriculture Street Landfill site is approximately 100 acres. The site is located about three miles south of Lake Pontchartrain northeast of the Vacheie near the central business district.

The Agriculture Street landfill site was used as a municipal landfill from 1910 until 1960. Based on historical records and field observations, numerous wastes were deposited at the site. These wastes included municipal garbage, construction debris, large debris, automobiles, cows, rats, whatever.

Over the years, continuous exposure of over 150 toxins, heavy metals, and carcinogens have been linked to high rates of various toxins related illnesses, elevated breast cancer levels, and children born with birth defects.

One resident grew a vegetable in the soil next to his house and it had dangerous contaminants. At age 15 this resident's daughter later died from an unknown cancer.

There are numerous residents who have reported various cancers,

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rashes, and unrelated upper respiratory problems.

Attempts were made -- several attempts were made -- at the basic level to influence the MPA administrators to support relocation. Though existing letters were written, telephone complaints, and many reports from communities, EPA ignored our letters, ignored our plight.

We thought that the facts were clear. We presented a plan to EPA that would cost the government about \$7 million. The voluntary plan that EPA presented will only affect ten percent of the Agriculture Street landfill site, as the other 90 percent is covered by roads, houses, and sidewalks. Additionally, EPA would cost \$20 million to do this so-called clean-up. Moreover, remediation increased the danger of broken water lines, sewage problems, et cetera.

In January 1999 a broken water line surrounded a very large portion of the community, flooding the community. Residents feared that they were drinking water that had passed through contaminated soil. But EPA says there is no problem.

I'm here today to urge, to beg, to ask that this Council, this group, take necessary steps to do what is right by this community and to honor a relocation plan. The EPA decided not to relocate the community and do a so-called cover-up, or what they called a cleanup.

I have documentation of more than 328 people that were surveyed. The study was done by Dr. Beverly Wright and the Deep South Center

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for Environmental Justice. I will make that presentation to you all tomorrow.

But I'm urging and I'm asking you all to please do what is right by the Agriculture Street landfill community. I thank you this evening.

MR. TURRENTINE: Thank you very much.

(Applause.)

MR. TURRENTINE: Yes?

MS. MILLER-TRAVIS: Elodia. Elodia. Can I just ask -- I believe Ken is in the room, Kent Benjamin. Can we just have some time and have a conversation with you --

MS. BLANCO: Yes.

MS. MILLER-TRAVIS: -- at some point before the subcommittee meets on Thursday --

MS. BLANCO: Certainly.

MS. MILLER-TRAVIS: -- to get an update of where you are, where Region 6 is in terms of response to you and what you have heard or what your interaction has been with headquarters in the Office of Solid Waste and Emergency Response?

MS. BLANCO: Certainly. Yes, thank you.

MS. MILLER-TRAVIS: Thank you.

MR. TURRENTINE: Thank you.

PRESENTATION BY MS. JERILYN LOPEZ MENDOZA

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ENVIRONMENTAL DEFENSE

MS. MENDOZA: Good evening, Mr. Chairman, members of the Council. My name is Jerilyn Lopez Mendoza. I'm an attorney out of Environmental Defense in Los Angeles.

Environmental Defense, formerly the Environmental Defense Fund, is a national non-profit; however, our work in Los Angeles is specifically targeted to environmental justice issues. We are focused on three main goals.

First, ensuring equal access to clean and green parks, schools and playgrounds for the children of Los Angeles.

The second is ensuring transportation equity, particularly increasing transportation options for the working poor in Los Angeles with little or no access to cars.

Third, alleviating exposure to toxics.

I wanted to make you aware of a couple of ongoing campaigns that are going on in Los Angeles specifically related to environmental justice.

The first is the expansion of the Los Angeles International Airport. For those who are unfamiliar with the area, the area immediately surrounding LAX is Inglewood, which is predominantly low income African-American and Latino families.

This community suffers the greatest burden of having LAX nearby, including incredible noise pollution, toxic air exposure from diesel

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vehicles as well as from diesel airplanes, and congestion from airplane traffic.

Los Angeles International Airport currently serves 58 million annual passengers; however, they are projecting unconstrained growth to 98 million annual passengers by 2020, which would increase the environmental degradation already suffered by those low income and of color communities.

Los Angeles International Airport is currently in the process of revising its master plan, and Environmental Defense, along with Communities for a Better Environment, Natural Resources Defense Council, and the Coalition for Clean Air, have called upon LAX to specifically address environmental equity and environmental justice issues as part of their planning.

Specifically we want them to address the issues of human health, especially as it's related to the increased incidence of asthma in the areas surrounding LAX particularly for the elderly and children, noise pollution which makes it difficult for people to even have telephone conversations or conversations with their family members as airplanes screech overhead, as well as job creation and displacement of communities and homes, and other environmental issues that are specifically related to this proposed expansion.

We've also asked LAX to develop a positive vision for the future of

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LAX that's environmentally sound, equitable and provokes economic vitality.

We've also asked them specifically to gather, analyze and publicize information that will enable communities of color and low income communities to analyze the impact of any LAX expansion, and have encouraged them to promote full and fair participation by all communities in the planning process.

Although they've assured us that they're going to include these issues, there's no guarantees and we are continuing to monitor the activities, along with other community and environmental group, to ensure that these low income and communities of color are not continued to be disproportionately impacted by LAX expansion.

Secondly, we're also working closely with a number of environmental and community groups to increase the number of green space for the children in Los Angeles. The national standard for parks is ten acres per 1,000 residents; however, in Los Angeles the average is .9 acres.

There's a vast disparity with relationship to race and low income status in Los Angeles. Only .3 park acres are available in the inner-urban core of Los Angeles, which is south-central and southeast, predominantly low income African-American and Latino families of color.

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We are currently working with a number of community groups, including Concerned Citizens of South-central Los Angeles, Mothers of East LA Santa Isabel, the Chinatown Alliance and Friends of the LA River, to convert a 47-acre plot of land in Chinatown to open space and school.

Chinatown is predominantly of Asian, Asian-American and Latino families, has no open space, no parks, no middle school, and no high school. There is no place for those children to play. They are bussed 45 minutes out of their communities and are often sent to schools where the playground has been taken up by mobile classrooms due to overcrowding.

We are currently working with these community groups to try to get the city and the County of Los Angeles to commit this 47-acre plot of land which is currently unused and owned by the railroads, to convince them to use it as a joint use for schools and parks and not what it is currently planned for, which is warehouses.

If the warehouses are built, this means that this community in Chinatown, which is the second largest Chinatown in the United States, would be sandwiched between the Los Angeles County Men's Jail and warehouses. And, again, there would be no open space for these communities to use.

I appreciate the opportunity to present my comments to you. I look

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forward to speaking with anyone who has any insight into these issues.

Again, I thank you for your time.

MR. TURRENTINE: Thank you very much.

(Applause.)

MR. TURRENTINE: I would ask that if Donald Brown is in the room, if he would come to the table.

If Bill Burns is in the room, please come to the table.

Samara Swanston, if you're in the room, please come to the table.

Mark Mitchell. If Mark Mitchell is in the room, please come to the table.

Is Michelle Xenos in the room?

I think this is -- I'm looking at someone's handwriting and I'm not really sure -- it looks like Jay Gilbert Sanchez. Is Mr. Jay Gilbert Sanchez in the room? Teresa Juarez?

Donald, proceed.

////

PRESENTATION BY DONALD BROWN

PEOPLE FOR ENVIRONMENTAL PROGRESS AND SUSTAINABILITY

MR. BROWN: Thank you, Mr. Turrentine. Donald Brown from People for Environmental Progress and Sustainability -- that's my new group I've put together here, and anybody can be a member. It's a non-

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profit.

What I came to address today was the need to clearly define the terms of environmental justice and how it relates to the Civil Rights movement and how there's a big gap between industry, the community and environment.

You know, it's funny, you never see anybody from industry here. You only see them when they're out there polluting the neighborhoods and something needs to be done about it. And yet still, they won't participate in defining these terms.

You know, I've got to thank the Almighty for being here, having a safe journey here, being in Atlanta. I've been to Atlanta many times as a kid and as an adult. And, you know, you feel the presence of Dr. King here and Dr. Abernathy and many of those who came before us because we're all part of that same movement.

What scares me today is that we tend to be divisive amongst ourselves. We tend to form groups and we eliminate some of the people that are already there. How soon we forget our history.

That's what I want everybody to keep in mind here because I thank everybody in this room for being here. I remember Dr. King said, "This is a tiresome fight, it's a long journey." The journey is just beginning.

You know, if you look at the politics and what we're dealing with, right now this country is taking on going on this trade mission with

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China. Well, that means something to everybody in this room because what it does is it takes apart what we're doing here.

What we need to do is focus more on America, the people that are here right now. We need to get more resources put into this NEJAC so that we can do more things. We need to focus on what's here because, as it stands right now, we're in a situation where things are becoming very diluted.

You know, when I spoke a couple of years ago when we had this conference in Oakland it was about the global economy. Well, you've seen what the global economy has done; you've seen the effect it's had on all of us. How rapid we are moving forward. But yet, still, the problems that we've always had to deal with are still there. And there's only a handful of us here to deal with that. That's all the people that are in this room right now.

Now, I want you to keep in mind -- you know, Haywood, when you first started calling off the names here, I was looking around the room and I was saying, gee, these people aren't here. What's happening? What is happening? What time is it?

You know, the time is now, but, you know, you wonder what's happening to our folks. They're disappearing. They're not showing up. We're losing strength. We don't have the momentum.

You know, I don't know what it takes, but we're all going to have

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to give ourselves a kick in the butt and get moving.

You know, I've listened to all the folks that got up here earlier and I'm thankful that a lot of those neighborhoods I've been involved in. But we've got so much work to do.

I'm going to cut myself short because I think you all get my message. My message is that we need to stick together on this regardless of what's going on.

I heard what Brother Marvin had to say. That was very heavy and it's truthful. But we've all got to be friends; we all have to have trust in one another. And some of these groups I had problems with just getting a dime from to be coming here because they see a problem in the neighborhood but it's a dime in their pocketbook. When it's all over with, they're going to take that money and leave. You know, they're just as bad as corporate America.

And that's not right. We're going to have to eliminate that. We're going to have to look at the people that have sincerity in this movement and we're all going to have to help one another out.

So I'm going to cut myself short and thank you very much. I appreciate everybody being here.

MR. TURRENTINE: Thank you very much.

(Applause.)

MR. TURRENTINE: Yes? Pat.

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MS. WOOD: Mr. Brown -- Mr. Brown, before you leave, my name is Pat Wood and I'm with Georgia Pacific Corporation. There are a number of people here from industry and we are concerned with the issues. There's several representatives on the NEJAC Council itself, and I can look at the audience and know that there are a number of folks out there as well.

MR. BROWN: Well, I hope you make your resources available for the work that needs to be done. That's all I have to say.

I was sent here and I made industry pay for it. But in a lot of cases what I see is when a certain incident comes up, industry is there but when that incident is over, it's back to the same old games. And that's what I'm concerned about.

I've been to a lot of these neighborhoods. I've been to Lake Charles. I was the one that went and got the samples down in Norco. And I heard people come forward, "Hey, I've got your pot right now, yeah, we're going to do everything in the world," but six months later it's the same situation over and over again.

I, myself, am working on a refinery situation which is -- I catch hell from the big oil companies because they're saying, well, look at you; you know, if you get this refinery build -- and the refinery I'm working on is not supposed to pollute, it's not supposed to send out any odors. I know all the technology; I know all the things that have been put on the

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shelf. But the thing is, industry doesn't want me to bring them out.

And I think that if you have an oil refinery or a chemical plant, you should have to build those in any neighborhood. I'm including Beverly Hills, any place. But that's not the situation. That's not the way it goes now.

I appreciate industry being here. But the thing is, if you've got those resources and you have those jobs available to those neighborhoods that your industry is in that they're polluting, that's where I want to see something done.

So I appreciate your being here but, you know, I need some action from industry. I need to see that. I don't need no rhetoric. I need to see something occur.

MR. TURRENTINE: The next presenter. I think Bill.

PRESENTATION BY MR. BILL BURNS

ENVIRONMENTAL AWARENESS FOUNDATION

MR. BURNS: Good evening. I'm Bill Burns and I am the Executive Director of Environmental Awareness Foundation. We handle household health hazards: lead-based paints, asbestos, radon, asthma-causing agents.

I've listened to people talk about all types of lead poisoning. My concern here with the State of Georgia is that lead poisoning is high, but people are saying -- EPA and EPD are saying -- that there is not a

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problem.

My concern is we want to implement a lead prevention safe-house control program.

The City of Atlanta to my knowledge does not have a telephone number for the people in the community that lives in this property that belongs to the city or county to call anyone about a lead problem of their children. We want to change that.

EPA and EPD have programs for the municipalities. This does not affect the community. This is something we want to change.

We've been hearing this for years that lead poisoning is a problem. We have statistics and facts that lead poisoning and asthma is a problem. We know this for a fact. We can do something about this, but it's not getting back to the community, to the problem.

How can we change this? This is what I'm coming here to find out, what can we actually do and stop talking about doing? What can we do to get this information and funding and resources to the community, to the people who are actually involved with these problems.

And that's all I have to say.

MR. TURRENTINE: Thank you.

(Applause.)

MR. TURRENTINE: Marinelle.

MS. PAYTON: Just one question to the speaker, please. Is there

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a lead poisoning prevention program in Georgia? Do you know if the state has such a program?

MR. BURNS: Not to my knowledge. I know there is a reimplemented lead poison program for the state. It may be a year old at this time. But it's not reaching the community again.

The information is there. But to actually impact it, there's nothing happening.

MR. TURRENTINE: Peggy.

MS. SHEPARD: You might consider applying for an EPA small EJ grant to get resources to begin to do a community education campaign.

MR. BURNS: Yes. Again, EAF is in the process right now of a five-year lead poison prevention control safe house program. We started this back in 1999 for the year 2000, to carry on to 2005. We've done this without grant monies from EPA.

MR. TURRENTINE: Thank you.

PRESENTATION BY MS. SAMARA SWANSTON

SIERRA CLUB AND MINORITY ENVIRONMENTAL

LAWYERS FOUNDATION

MS. SWANSTON: Hi, I'm Samara Swanston. I want to speak on behalf of two groups, so I'm going to be switching hats.

The first group I'm speaking on behalf of is the Sierra Club. I'm on the Executive Committee of the New York City group. We have 12,000

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members.

I'm also speaking for the National Sierra Club against the NAHO bill, the National Association of Home Owner's bill. This is Brownfields legislation that is going to permit home owners to build on contaminated land, and it would prevent EPA from using its enforcement authority in CERCLA in a situation where there was an imminent and substantial danger if a home owner -- if a home builder wanted to build or had commenced building on this contaminated land.

Under current law EPA has the authority to order immediate action by a polluter to order the polluter to stop or release or threaten release. And if a party refuses to act, EPA can impose fines, conduct the clean-up, exact the clean-up costs, penalties, and so on from the non-cooperating party.

The proposed NAHO bill weakens federal provisions in the federal superfund law that protect communities from the economic, human health and environmental consequences that result from inadequate clean-ups of contaminated sites.

Under the NAHO bill, USEPA and the public's ability to provide input or oversight on brownfields is impeded by provisions allowing states not to report the names and locations of facilities undergoing voluntary clean-ups.

In cases where USEPA is able to establish the site poses a

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danger, the developers and the owners would still be granted five days after the issuance of a unilateral order to appeal the penalties and to delay remediation.

Investigation of chemical contamination may be entirely superficial under the current NAHO bill and the human health, environmental and natural resource protection provisions for qualifying state programs are weak.

The Sierra Club proposes strong clean-up standards that protect public health, retaining the federal enforcement authority as a safety net, financial assistance and incentives to help communities assess and remediate brownfields, strict liability standards to be retained to ensure that those responsible for contaminating brownfields are held accountable to clean up.

I want to point out that we need substantive and early opportunities for public participation and brownfields redevelopment should not disproportionately affect communities of color.

This is a bill that has been negotiated with the Clinton Administration and the help of EPA. National Sierra Club opposes weakening clean-up standards in places where we want to build housing.

(Applause.)

MS. SWANSTON: The second thing I want to speak about is I am

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pro bono counsel representing Minority Environmental Lawyers. We are representing a community group in Dobbs Ferry, New York that is attempting to protect an indigenous site that goes back to the third and fourth millennium. We went to all the major environmental groups who do not care about protecting cultural resources.

This is a site that qualifies for listing on the National Historic Register. After the state said it no longer qualified for development opportunities, the community group took an appeal to the federal level and won with the keeper of historic sites. Nonetheless, the State of New York is allowing cultural sites like this to be destroyed.

I have a letter from the Indigenous Director of the community group, and he writes, "I'd like to voice my concerns about the November 11th communique of the Archeological Monitoring at the Landing Site. Our ancestral site is described by the consultants as a prehistoric site. It should be protected.

The small oyster shell scatter was encountered in a soil horizon that indicates the chelman (phonetic) is way larger than the greenhouse -- the original consultant's delineation. It states, archeologist's notes state, "machine operator removed the tree; nor was any charcoal observed. Described one of several things; all sacred."

The first being a ceremonial fireplace for a sacred fire in which ashes and charcoal are later removed. One reason why ashes and

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charcoal are removed deals with the loss of loved ones, which would indicate that this fireplace is near burial sites.

The features of a stone basin also describe the interior of a sacred ceremony in which a number of heated stones are brought into a small lodge filled with people. Known today as the "sweat lodge," the significance of this ceremony cannot be overemphasized.

Due to its cultural and spiritual importance to the Lanape, we would hope this is not what has been destroyed by the excavation. By the way, this excavation is to build attached townhouses on a site that also includes an unremediated construction and demolition landfill.

It also describes as one of two fireplaces inside a large ceremonial building known to historians and archaeologists as "the Big House." Ashes and charcoal are removed on a specific day during a 12-day ceremony.

Furthermore, an outside fireplace was constructed for ceremonial food. Hence, the food and food preparation items.

In all three cases, a stone basin would have had the ashes and charcoal removed for sacred ceremonial purposes. And that is why no ashes and charcoal would have been found today.

The archaeologists hired by the Village of Dobbs Ferry didn't even know what he was looking at when he was taking his notes. The stone basin is a mere crumb of the greater loaf of spiritual life of the Lanape

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people.

I have numerous times in my life made my pilgrimage to the land to pray to my ancestors that still remain, as I do, part of this land in question. At the site of our ancestors we pray for the health and happiness of all men.

It's my hope that the desecration of this land would cease. This is one of the many times in New York that the State of New York allows indigenous sites to be desecrated with impunity.

I want to point out -- I see my time is up.

MR. TURRENTINE: Yes.

MS. SWANSTON: I want to point out that every year a law goes before the New York State Legislature to protect indigenous sites not on a reservation, and every year that bill dies in committee.

Every year OPRHP turns a blind eye to the desecration of indigenous sites and yet the Federal Government continues to fund OPRHP with -- that's the Office of Parks Recreation and Historic Preservation -- with its inadequate historic preservation of cultural resources.

And the NEJAC and the Department of Interior ought to think seriously about withholding New York's money if New York is going to allow the destruction of three and four thousand year old chelman and archeological sites for attached townhouses on a landfill.

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(Applause.)

MR. TURRENTINE: Thank you. Yes?

MS. MILLER-TRAVIS: Samara, I have a question about the first part of your presentation, about the NAHO brownfields bill.

Do you know what the status of that bill is in Congress? Is it in committee? Is it due to make it to the floor? Is it going to be voted on? What is the status of that brownfields bill?

MS. SWANSTON: I believe EPA has said that if they don't get any agreement on it, they're going to introduce it. It has the strong support of EPA.

EPA ought to be trying to protect their own superfund law instead of advocating laws that weaken the enforcement authority.

MS. MILLER-TRAVIS: Thank you.

MR. TURRENTINE: Let's go on to the next presenter.

PRESENTATION BY MS. MICHELLE XENOS
YOUTH AND THE PEOPLE OF COLOR DISENFRANCHISED
COMMUNITIES ENVIRONMENTAL HEALTH NETWORK

MS. XENOS: Hello. Good evening. My name is Michelle. I am coming from Las Vegas, Nevada. I work for a group called the Shundahai Network. First of all, I just want to thank all of you for taking the time out to do this and your commitment to looking at issues of our environment and what we can do.

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When I think about the Environmental Protection Agency, I think, well, what a charge to be looking at protecting the environment in this day and age.

The issues that I am here to bring up and I want to talk about is -- and I talked about it the last time and some of you might remember -- and that's the federal facilities.

I live in Las Vegas, which is just an hour south of the Nevada Nuclear Test Site. It's also the location of Yucca Mountain which most of you probably know about -- the proposed high level nuclear waste dump.

There is no environmental monitoring whatsoever of federal facilities being done. And we, as the public, don't have access to the Department of Defense or even the Department of Energy regarding environmental impacts. And the EPA loses their input in setting radio standards and things like that to the NRC. So it's very difficult to access.

The thing of it is that we're talking about nuclear weapons. I grew up on an island that's only 35 miles in diameter -- 35 miles across. There's over 3,000 nuclear weapons on the island that I grew up on and millions of gallons of liquid radioactive wastes have been dumped into Pearl Harbor and the beaches and the shores that I grew up on.

The best cancer rates where I grew up are ten times higher after

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atomic weapons testing and use in the Pacific. When you talk about environmental impacts of nuclear weapons, you're not even talking about weapons when they're being detonated; you're talking about the entire process of the nuclear development.

So, you know, Congress mandated the National Cancer Institute to study the effect of radioactive fallout in nuclear testing. Well, they were mandated to look at health impacts of nuclear weapons. They only looked at iodine-131; they only looked at fallout from atmospheric testing.

What about uranium mining? What about processing? For that matter, what about commercial nuclear power because that subsidizes nuclear weapons. The military cannot afford to create and use nuclear weapons and justify it in the public mind if they don't have nuclear power to create their plutonium.

Not to mention that the military in these federal facilities -- see, because if you're looking at environment you can't just look at one thing, like a nuclear weapon. You're looking at the military. What the military is, is leverage for all the corporations to continue the kind of environmental devastation that they're creating.

So when you're looking at federal facilities and holding federal facilities accountable for their environmental impact, you're doing a great amount of accountability work for the entire planet because the

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U.S. military doesn't just have leverage here in this country; it's global leverage.

When I look out at the Nevada Test Site what I'm looking at is global leverage on this planet to continue to defend our right as Americans to consume over half the world's resources. We're talking about an incredible environmental impact just from the existence of nuclear weapons and the military.

So I asked this the last time and we're asking this again -- is there a way that within NEJAC, because this is one of the only ways that I've been able to come and meet people working in the EPA, meet people within the Federal Government to be able to work with in my own community -- now, a subcommittee that deals with and looks at federal facilities because we don't have in our country -- that DOD and that DOE, they are going by without any accountability whatsoever, especially that DOD, no accountability. And the amount of environment impact that they're leveraging on our planet is immeasurable.

So I'm asking because I sit and every day I look at the Nevada Test Site and I think about my people back home and how many nuclear weapons are on this small little island, because that's Pacific Command right there; you know, they dominate over half of the globe right there from that place. It's only 35 miles across and, you know, 3,000 nuclear weapons.

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So I ask maybe that that might be possible, to look at these things in a subcommittee so that us, as the public, can have participation in that kind of dialogue, and especially the next time you have an interagency policy issue, that is a perfect time to bring the Department of Defense out here and look at how we are going to look at the environmental impacts of the Department of Defense in federal facilities.

Thank you.

MR. TURRENTINE: Thank you very much. Vernice.

MS. MILLER-TRAVIS: Michelle, one, could you say who you're --

MR. TURRENTINE: Into the mic, Vernice.

MS. MILLER-TRAVIS: Could you say who you're representing today and your last name for the record.

MS. XENOS: Yes. My name is Michelle Xenos -- it's X-e-n-o-s. And I'm with the Shundahai Network. S-h-u-n-d-a-h-a-i. And I'm also here representing Youth and the People of Color Disenfranchised Communities Environmental Health Network.

MS. MILLER-TRAVIS: Thank you. That was point one for the record.

Two, Mr. Chair and Charles, am I right that there is exploration and discussion of the establishment of a federal facilities working group of the NEJAC? Is that correct or has it been proposed? Where are we in the discussion of that?

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MR. LEE: There has been -- in the last meeting the issue of federal facilities came up. There has been some exploration and meetings with different federal agencies, including the Department of Energy and Department of Defense.

On another level there have been meetings with a number of federal agencies through the Interagency Working Group on Environmental Justice which meets regularly.

Thirdly, there has been as part of those discussions and discussions with the People of Color Network that works around federal facilities, ways of following-up.

How those will come together as a specific working group or not, that has not yet been determined. But part of -- I think one way that this meeting can address these, because a lot of health issues are related to federal facilities directly, is for that to become further explored because one needs to understand that a lot of these health issues do require the input of multiple federal agencies. And these are not just health agencies but other agencies as well.

MS. MILLER-TRAVIS: Thank you. I just wanted to share with Michelle that we heard you the last time you were here; we hear you this time. We appreciate the advocacy that the People of Color Caucus and Coalition has brought forth to this issue, and I think the NEJAC is going to continue to pursue, as you heard Charles just illuminate, a

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number of different strategies to try and capture what's happening with these other federal agencies that are operating outside the boundaries of established federal statute and regulations.

MS. RAMOS: I want to say this not as a NEJAC member but as a community leader, just like you. I don't know if you really understand that, you know, EPA has very limited jurisdiction over any military facility. And that limitation has been imposed by Congress.

So citizens must address this type of concern to Congress because they are the ones that could change, you know, the jurisdiction of EPA upon this type of installation.

Thank you.

MR. TURRENTINE: Thank you, Rosa. Okay.

PRESENTATION BY JAY GILBERT SANCHEZ
REPRESENTING TRIBAL ENVIRONMENTAL WATCH ALLIANCE
and PEOPLE OF COLOR DISENFRANCHISED COMMUNITIES

MR. SANCHEZ: (Inaudible. Speaking in a language other than English.)

In the tradition of my upbringing I have to lay respect for the communities that have been destroyed, the population that was annihilated so that this city could be built here. I asked our spirits to give me permission to speak. I believe they have.

My name is Jay Gilbert Sanchez and I'm from the Pueblo San

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Ildefanso. I live around Los Alamos National Laboratory or in that vicinity. I'm the Executive Director of Tribal Environmental Watch Alliance, also the Chairman of People of Color Disenfranchised Communities.

I appreciate what the young lady stated. I know that EPA and many other regulatory agencies in this country and states do not have that authority. Under the mandate of national security, the government of this country, and especially the Department of Defense and Department of Energy, have the right and mandate to go ahead and destroy human life as they see fit to forward the capitalistic ideas of this country as it is established today.

I am here as the Chairman of People of Color Disenfranchised Communities to ask NEJAC to give us a voice in some format -- as a subcommittee or however you see fit -- to bring us to the table and bring us to a respectable point of view so that we can be addressed.

Our nation, the federal facilities are worldwide; not only limited to the boundaries of the United States. We have our brothers and sisters down in Puerto Rico, we have our brothers and sisters in the western territories of this country, in the Pacific Ocean, that are being mistreated just as much as we are.

As indigenous people, I as an indigenous person, have been ignored for years and years and years of abuse by our Federal

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Government. There is such thing known as the Trust Responsibility that the Federal Government is mandated to uphold.

Because I am a citizen, but not a full citizen as you are -- I do have the right to vote and everything else that comes to that perspective -- but because I am considered a natural resource of this country, I do not have the right to yell out and scream about human rights.

Therefore I need a voice. The People of Color Disenfranchised Community has given me that opportunity to voice the concerns that I have.

As I stated earlier, I come from the Los Alamos National Laboratory site area. As you know and the nation knows, it burnt this weekend, or this past 14 days. Back on about the fourth day of burning of Los Alamos, as we called it, the inferno there, I decided to take my granddaughter away from that site so that she could be safe because of the fire that is there.

We are being impacted as we go on. The statement that I want to make about impact at this point is, just because I come from Los Alamos does not mean that I'm the only one impacted or Teresa Juarez here. But you are also impacted because, my brothers and sisters, as we sit here the air we breathe is not being reproduced or new air is not being made, even though science has told us a lie, that through photosynthesis this is happening. Photosynthesis is simply a filtration

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system that mother nature put upon this earth.

The air that I'm speaking with, my great, great, great grandfather spoke with. He spoke with that air and he blew that air through his lungs. It was much purer than it is today.

But I do not know what my granddaughter's and my granddaughter's great granddaughter is going to be breathing and speaking in the generations to come.

Therefore, I ask you all as committee members and members of the public to please start addressing the issue. Getting politically involved -- environmental justice needs to go a step further.

I stand with my brother Marvin Crafter and all those that spoke before me in addressing the issues; if we're going to do something about the environment, about our health, let's do something because it is time that we stood up and spoke up. We, the poor, we, the disenfranchised have been ignored for too long.

I thank you for the opportunity and look forward to a meaningful relationship with NEJAC.

MR. TURRENTINE: Thank you very much.
(Applause.)

MR. TURRENTINE: Teresa Juarez.

PRESENTATION BY MS. TERESA JUAREZ
NEW MEXICO ALLIANCE

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MS. JUAREZ: (Inaudible. Speaking in a language other than English.)

I want to thank you for giving us the opportunity to speak today. As I've sat here, I've heard many comments and many people express their discontent with some of the process that have been taking place.

And it bothers me and it strikes me in one of the places in my heart, as we say, because we come here not, as we would say, to stand in the welfare lines and again ask for a handout. We come here to express our concerns in the things that are happening in our communities.

I am from Chimayo, New Mexico where I'm right down the hill from Los Alamos and where they did the controlled burning. The controlled burning has gone on for days and it got out of control and it burned near the Los Alamos site. For four days we have been under that burn and the sky was dark. And as you would look at the sun, the sun was as red as that sign over there.

And our children and our elders and everybody in that community has had to breathe that air. And nobody -- nobody knows what kind of contamination was in that air.

Those 250 homes that were burned and out of those 250 homes, a lot of them had asbestos. Some of the sites that were close to Los Alamos Lab we do not know or have an idea of what kind of

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contamination. Richardson went down and told us personally not to worry, that the plutonium that was there was endosed in a concrete vault so that we didn't have anything to worry about.

Six months before that -- or, four months before that, we had a meeting at the college where over 450 workers expressed to the Congressman the contamination that had been buried around Los Alamos, the cancers that they were dealing with -- unknown cancers, cancers that even the medical profession doesn't know how to address. The children have cancers.

So I'm not here to ask -- I'm here to demand that a committee be established to address the issues of federal facilities. I don't want to come here again, as I have to with the agencies and feeling that I'm still standing in that welfare line, because if you are my brothers and sisters, you're going to assure that that committee is established the next time we come to NEJAC.

I feel it is your responsibility and your obligation to ensure that our people's voice is heard.

And I will tell you, if it is not established -- and I don't know and I don't understand your process, Charles Lee -- but I do understand one thing, our people are dying and we need the mechanism by where our voices can be heard.

Thank you.

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(Applause.)

MR. TURRENTINE: Thank you. Tom.

MR. GOLDTOOTH: About this issue with Los Alamos, has there been -- it sounds like there has been some outreach with the community members in that I think I read some stuff -- this is a clarification question -- is that they're saying that there's been no problem or no release with the storage of radioactive materials in the inside of the facility.

I'd like to ask a question that perhaps Mr. Sanchez might have knowledge of, is has there been evidence of radioactive contamination outside the facility? Perhaps in the ecosystem or the habitat that could have, you know, gone into the atmosphere and just burned?

MR. SANCHEZ: Mr. Goldtooth -- Tom -- I have personal knowledge that the vegetation and the flora and the fauna in and around Los Alamos National Laboratory hosts a lot of contamination. That has been acknowledged and the DOE did buy 200 cords of wood back several years ago because they sold some wood in the effort to clear the area to avoid such a catastrophe as the fire that happened here this month -- and in that wood they found plutonium implantments in the trees itself.

We know through vegetation testing and the animals that we utilized in our daily uses, or in ceremonial uses now, that they are contaminated. We understand that those things are happening.

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So I don't understand when our Senator Dominici stands up and says he believes the scientists are right and correct.

I don't understand why Bill Richardson, the Secretary, stands up and says, yes, the containment of plutonium is secure. It was secured by armed guards, yes, who were wearing masks, so that nobody could go in there and pull it out. But the heat did bring it out, and the vegetation, as I stated, is known to be contaminated. Our waters are contaminated.

So when the heat came, when the fires were burning, all these things went into the atmosphere.

So you are not safe. We may have gotten the bulk of it, but you still -- it still went into the air that all of America and all of the world is breathing. Just as much as Chernobyl. We've been told that it stays around the Arctic Circle. Yes, but the Arctic Circle also changes, the wind changes.

So, Tom, I hope I've answered your question, sir.

MR. GOLDTOOTH: Thank you.

MR. TURRENTINE: Tom, in addition to that, I've asked Jerry Clifford -- they've done some testing of the air and he has some information that he can share with us.

So, if the Council would indulge me, I would like for Jerry to respond --

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MR. SANCHEZ: Mr. Chair.

MR. TURRENTINE: Yes?

MR. SANCHEZ: Mr. Chair, before he responds I'd like to make another statement --

MR. TURRENTINE: Sure.

MR. SANCHEZ: -- in reference to the testing effort that was done at Los Alamos National Laboratory during the fire.

Most of the air testing monitors were turned off. So, you know, there's not very much evidence, and I have not been in contact with my fellow environmentalists who have done independent testing on the dome fire a couple of years ago and the Hondo fire in Taos which also indicated that there was an increase in radio nuclide contaminants being airborne.

MR. TURRENTINE: Thank you.

MR. CLIFFORD: Thank you, Mr. Chairman. I'm Jerry Clifford. I'm the Deputy Regional Administrator.

We were asked to come in by the state, the New Mexico Environment Department, to do some additional air sampling around the fire. That was over and above that which was conducted by the Department of Energy.

Our concern was not so much the plutonium that was in the concrete vaults, but there is about -- oh, several hundred, if not nearly

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a thousand, solid waste management units on the Los Alamos property and there is contamination, both chemical and low-level radioactive contamination, in these landfills basically.

So we worked with our headquarters office of Air and Radiation to get like 20 different air monitors, which isn't a lot given the size of the fire. But we were actually able to locate one on San Ildefonso -- we worked with the governor to get one of our monitors located on your property.

The data that we've been able to analyze to date -- and I actually think we're through monitoring in and around the Los Alamos Lab now -- was that there was no increase in -- we did not detect in our air monitors any increase in radiation as a result of the fire. And we did not detect any increase in any chemical contamination collected by our monitors either from all the monitoring that we collected.

Now, I haven't gotten the latest data, but I can call back and see if that latest information is available, and in any event, would be happy to make the results of whatever data we collected at Los Alamos --

MS. JUAREZ: When did you go in?

MR. CLIFFORD: -- available to the NEJAC for their review.

I'm sorry?

MS. JUAREZ: When were you there monitoring?

MR. CLIFFORD: Our monitoring began about -- let's see -- I can't

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remember what day the fire started. Do you remember what day the fire started?

PARTICIPANT: The fourth, I think.

MS. JUAREZ: The fourth.

MR. CLIFFORD: Do you remember what day of the week that was, though?

PARTICIPANT: Thursday.

MR. COLE: Thursday, I think.

MR. CLIFFORD: Thursday? Yes?

MS. JUAREZ: It was Monday.

PARTICIPANT: It was Monday.

MR. CLIFFORD: That sounds about right. I think it was like a Thursday.

We had our monitors -- the state had their monitors deployed I think by Saturday. And so we --

MS. JUAREZ: But all those monitorings were not on.

MR. CLIFFORD: The state monitors?

MS. JUAREZ: Yes. They weren't on.

MR. CLIFFORD: Well, I do know they collected some data because we did some analysis of their data in our lab. We moved a mobile lab out to do some analysis.

The first few days -- the first couple of days I know we didn't, nor

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did the state, have any monitoring equipment out.

Our monitors got out on Sunday probably by about mid-afternoon -- we were able to get out monitors located.

MR. SANCHEZ: Excuse me. I don't believe most of you know the terrain that we're talking about. Los Alamos National Laboratory is sitting on a plateau and Pueblo sits in the indentation in the valley, similar to what we have here -- for generalization, the winds were not blowing; they were not coming into San Ildefonso as much, but they were going up into the northeast of the San Ildefonso pueblo where Teresa lives, in the Espanola/Chimayo (phonetic) area into Taos.

I don't know if there was any monitoring done in those areas or not, but by Sunday afternoon -- this past Sunday afternoon, most of the effects of the burn were being contained and the winds were not blowing in the direction of where the monitors were at.

You know, I'm an optimist and I'm an activist, but I'm a concerned citizen because I breathe that air. And when people come in and they set up their monitors, they do not set them up in the most predominant places where they are going to catch something they want to catch.

So when situations like this happen, I hate to disagree, but I disagree because I am an indigenous person; my government lied to me 500 years ago; my people have been lied to all those years; and the government does not tell the truth.

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When Senator Dominici stood up and said "there's no contamination" how can I believe a politician? You know? And how can I believe the scientists that are working for that politician who wants to perpetuate their job? How can I honestly believe those things?

I used to be the Environmental Department person at the Pueblo San Ildefonso director. We did an internal review of raw data that was given to us by whistle blowers of their surveillance reports and we found that they were off by hundred of thousands of picocuries of plutonium tritium going into the air.

So when these people talk about these things, I have firsthand knowledge of being burnt by being taught this.

To give you an idea of what -- I'm not putting you down, sir -- but I'll give you an idea. In 1994 we found traces of tritium in our aquifer on the west side. The DOE and the University of California came and met with me and my governor and they came in and they had a recommendation to EPA that because the safe drinking standard for tritium was 20 picocuries per liter -- 20,000 picocuries per liter -- they came in with a recommendation and one of my staff found it; they wanted to increase that to 60,000 picocuries.

So how can I listen to things like this that are happening when you're telling me, hey, yes, we're the government, we're scientists, we know what we're doing, but I have proof -- I have proof -- where my

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government has lied to me, when they have not been honest to the American citizen.

So, you know, take it for what it's worth. I thank you. I thank you again.

MS. JUAREZ: And the other thing is, is that the firefighters that were there were Native American and Hispanics that were fighting the fires. And not only that, they were not equipped. There was no protection.

And these are the things that we deal with with the federal agencies all the time. And it's not until they have the 450 workers standing in front of them telling them "we're dying" -- because that's what the 450 workers from Los Alamos are saying now.

And now not only is the contamination within the facility; they have gone outside of their own boundaries and now it's in our community and that's what we have to deal with.

When the government can really show us that there is no contamination whatsoever in that air or in the water or in the vegetation or in the animals or in anything that we have to live with every day, then we will be satisfied with that.

Thank you.

MR. TURRENTINE: Thank you very much. Luke, one final -- no, hold on. One final comment from Luke and then we're going to move

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on.

MR. COLE: Thank you. Jerry, I appreciate your coming up and talking with us, and I don't want to get into a debate about what you monitored for and did you monitor for the correct radio nuclides and did you look at these, and what about the things you didn't monitor for, which is usually where the impact is, what's not being looked at.

But it's just not credible for me for you to tell me that a fire that burned over tens of thousands of acres did not increase the chemicals in the air in that area. That's just not a credible statement from an EPA official.

I mean, even if there were no contaminants on the ground that were burned --

(Applause.)

MR. COLE: -- a brush fire creates contaminants, products of incomplete combustion, all kinds of different chemicals. A fire in your fireplace is carcinogenic. A ten thousand or twenty thousand or fifty thousand acre fire is also carcinogenic.

You can't tell me that there was not an increase of chemicals. And if that's what you found, then --

MR. CLIFFORD: Let me explain. I'm sorry if I misled anybody on the committee or anybody in the public. We did not find any increase in chemical or radioactive contamination beyond that which you would

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see in a forest fire.

PARTICIPANTS: Oh.

MR. CLIFFORD: You're right.

MR. TURRENTINE: Thank you.

PRESENTATION BY MARK MITCHELL, M.D.

CONNECTICUT COALITION FOR ENVIRONMENTAL JUSTICE

DR. MITCHELL: My name is Mark Mitchell and I am a public health physician focusing on environmental health, but I'm here tonight to talk about my other role as the founder of the three-year-old Connecticut Coalition for Environmental Justice.

We were founded to help local organizations in Connecticut and a couple of years ago we formed a local organization, the Hartford Environmental Justice Network, which is an organization that's composed of 20 neighborhood and local organizations. Next month we will be forming a second organization, the New Haven Environmental Justice Network.

I wanted to talk about the Hartford Environmental Justice Network and some of the issues we found in Hartford, Connecticut. For those of you who are not familiar with Hartford, there are about 130,000 people in Hartford. It's 78 percent Black and Latino. It's the sixth lowest income city over 100,000 in the United States in the wealthiest state in the United States. It's 18.4 square miles in size and it has more

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and larger waste disposal facilities than any other town in the State of Connecticut.

There are eight regional waste disposal facilities in Hartford. We have the largest sewage treatment plant in Connecticut, perhaps in New England. We have the largest sewage sludge incinerator where we burn sewage sludge. We take sewage sludge from 35 towns, including towns in Massachusetts and Rhode Island that are brought to Hartford to burn.

We also have the sewage sludge compost facility -- I'm sorry, we had the sewage sludge compost facility. It burnt to the ground over a two-week period in November and December of last year. But it was the largest sewage sludge compost facility in the state before it burnt to the ground.

I mean, these facilities are dangerous and we're very concerned about them.

In addition to those three facilities, we have the largest trash incinerator in Connecticut. Connecticut burns a larger percent of its trash than any other state. Eighty-two percent of our trash in Connecticut is burned. And the largest trash incinerator is located in Hartford among the 78 percent Black and Latino people.

The trash incinerator takes 2,700 tons of trash per day from 66 Connecticut towns, Massachusetts, Vermont and New York City.

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We also have two recycling facilities for the 66 towns.

The trash incinerator has 100 fire calls -- an average of about 100 fire calls a year, and they have one major explosion and fire about once a month. The last one was almost a month ago.

In addition to that, we have a bulky waste landfill which caught fire two weeks -- no, a week -- about a week ago.

We also have an ash landfill -- an incinerator ash landfill.

So those are the eight regional waste facilities. In addition to that, we have four small power plants. And this is all within our 18.4 square miles.

The Hartford Environmental Justice Network has had several successes actually because -- we've been successful because -- after all the nuclear power plants closed in 1997 we were successful in getting them to remove a new power plant that they put there without letting the community know, without any public notification, without any public hearings. But we shamed them into removing the power plant.

We also in this last year had a Head Start removed from a contaminated site. There was a former Colt Firearms factory. And we persuaded the City Council to ban a ninth regional waste facility, a medical waste facility, that was going to be located in Hartford.

What I'm here for today, though, is to talk about our asthma rates. We've been very concerned about asthma. We have the highest

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documented asthma rates in the country.

The Connecticut Children's Medical Center has done a study of 7,500 children in Hartford. Out of 17,000 children in Hartford, they've looked at 7,500. Forty-one percent of all of our children have asthma and 48 percent of our Latino children have asthma.

We're asking that NEJAC look at asthma specifically. I know that this week we're going to be looking at environmental health issues, and I applaud that. But asthma is an epidemic in our communities and particularly in our urban communities.

I'm also asking that EPA, in addition to looking at asthma, that we look at alternative waste disposal technologies, that we ask EPA to fund research into alternative waste disposal technologies such as plasma technology that would eliminate the hazardous air pollutants and air toxics from the regional waste facilities.

Thank you.

(Applause.)

MR. LEE: Vernice.

MS. MILLER-TRAVIS: Dr. Mitchell, have you ever sat down with Jane Stahl, the Assistant Commissioner for the Connecticut Department of Environmental Protection?

DR. MITCHELL: Yes, we have. Yes, we've worked -- we've had a fairly good relationship with DEP over the last -- with the state

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department of environment protection -- over the last few years. But we're still seeing these issues. DEP has limited authority.

MS. MILLER-TRAVIS: Sure.

DR. MITCHELL: You know, they can't decide siting issues, for example.

MS. MILLER-TRAVIS: You probably know that Jane is a member of this Council. She's probably en route here now and will be with us tomorrow. Have you ever approached her about specific initiatives or actions that you would like the NEJAC to undertake regarding these issues, as Jane is a member of the NEJAC?

DR. MITCHELL: No, we haven't. We haven't been as familiar with NEJAC, although we should have been. I did know that Jane was a member; I didn't have a clear idea of the authority of NEJAC and the responsibility of NEJAC. But I hope to become more closely allied with NEJAC in the future.

MS. MILLER-TRAVIS: Well, then I recommend that you pigeonhole Ms. Stahl before this meeting concludes and talk about some specific things that -- perhaps some collaborative efforts that can be done between the NEJAC, the groups that you work with, and the Connecticut DEP?

DR. MITCHELL: Yes. Again, we've had some good cooperation with DEP. But there are many other things that need to be done and

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we're hoping to work with DEP and Region 1 EPA in addressing those issues.

But I think that some of the research types of things need to be funded on a federal level, research on alternative waste disposal technologies, and so on. So that's why I brought it up here.

MS. MILLER-TRAVIS: Thank you.

DR. MITCHELL: Thank you.

MR. LEE: Peggy.

MS. SHEPARD: Dr. Mitchell, can you tell me what relationship, if any, you've had with the state environmental justice program in Connecticut?

DR. MITCHELL: Are you talking about the state Department of Environmental Protection's Office of Environment Equity?

MS. SHEPARD: Yes.

DR. MITCHELL: Okay. Yes. Again, we work very closely with them as part of DEP. Edith Pestana is excellent.

We're getting good response -- it's a slow process. Things have been changing, though, in a good direction. So, yes, we've been receiving some support from them.

MR. LEE: Dr. Mitchell, you also made a recommendation that NEJAC look specifically at asthma. Could you talk a little more about that?

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DR. MITCHELL: Yes. I was also planning on talking a little bit more about that tomorrow and the specific recommendations and go over some of the research that we've done on that. But I think that -- we believe that there is a relationship between the chemicals in the air and the respiratory illness that we're seeing in the cities. And we believe that EPA should be looking at those kinds of relationships.

I understand that there's some studies about nickel, for example, specifically -- the relationship between nickel and asthma, airborne nickel and asthma.

We need those kinds of studies. Again, I'll talk about that more tomorrow. But I think that the answer is in changing the technology so that it's not producing the air toxins in the first place.

MR. LEE: The reason I ask that question is not for an answer right now, but it's really to pose it to the other members of the NEJAC. In addressing the health issues related to environment justice, clearly one approach is to look at specific diseases and illnesses such as asthma. Whether that would be an effective approach is something that I would just want to throw out to the NEJAC members. And that is something that's up for discussion over the next several days.

DR. MITCHELL: It clearly is an epidemic in the United States and it's affecting the urban areas and people of color more harshly and we believe that the reason that it's increased since 1977 is environment.

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So, yes, it's an important issue.

MR. LEE: Where are we at in terms of presenters?

(Pause.)

MR. TURRENTINE: Is Daniel Swartz in the room?

Is Marie Lucas in the room?

Is LaVonne Stone in the room?

Is Jim McDonald in the room?

Is Jackie Ward in the room?

And is Fred Lincoln in the room?

If you would all take the seats at the table, we will proceed.

PRESENTATION BY MS. LaVONNE STONE

FORT ORD ENVIRONMENTAL JUSTICE NETWORK

MS. STONE: Hello, my name is LaVonne Stone. I'm the Executive Director of the Fort Ord Environmental Justice Network. I came a long way to speak to you again. I spoke before this Council a few years ago, and my concerns were going to committee. I don't know what happened to them, and this is the only other opportunity I've had to address you. I thank God that I was able to come and some people that are here at this conference.

Ford Ord is the largest superfund site in the country. It's slightly larger than the City of San Francisco.

It is my understanding that restoration advisory boards were set up

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by our president to provide input, recommendations and oversight from affected communities. Toxic waste sites, contamination from other pollutants and other environment health concerns can only be monitored by the restoration advisory board which interacts with and should consist of stakeholders from the affected community.

It was our desire to bring attention to and secure help for local affected communities with solutions such as environment health clinics and technical health advisors, citizen laws for testing of drinking water and soil, community-wide safety measures concerning munitions handling by children and adults alike.

We know that breathing the smoke from emissions, detonations and large burns -- which we have had 100 acres burn at one time each time we have a burn -- one of those burns got out of control and it took over three days for that burn to finish.

They thought that the burn was under control and the fire department left the area, but the burn continued even after the fire department left. It was seen all over the peninsula.

My concern was especially the remarks from school children who were standing there saying, "Did you see that big cloud of smoke in the air?" Yeah. And what about my throat and what about my nose? What is that? People were pointing everywhere.

These burns aggravate the respiratory problems, especially in

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sensitive children and adults. I'm echoing some of the other concerns I've heard tonight concerning asthma and lung problems that are escalating in our communities. Even the federal workers are concerned about the safety of the buildings and the breathing space within their work environment.

The already poor communities and communities of color have seen our economic base deteriorate due to the closing of these massive facilities. Our community is desperately trying to recover in the job market and low income housing market but not at the expense of our health.

The jobs that are available in our community are going to the already trained out-of-area employees. There are no training programs in place for these communities to work in the environmental arena.

We live here, our children live here. Whether this facility is clean or not, we must continue to live with it. I saw a child about nine years old attempting to go over the fence into one of the largest most contaminated impact areas in my community. The city is across the road from the impact area which is fenced off. But the fence may be a little taller than this table.

I did a U-turn and turned around because the child was attempting to put his leg over the fence and when I came back, he ran off and went through an opening and into the city where he lived.

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There are no alternatives; these areas must be cleaned up because there are communities living around the fenced area. We cannot continue to have it fenced off because we are going to be faced with these safety conditions every day and the concern about the children getting into the impact areas.

We need to have it clean. We must continue to seek ways to address environmental health concerns within the jurisdiction of this federal facility and the adjacent communities.

The local Army environmental division has spent over \$350 million already on clean-up since 1993. No environmental health clinic or health advisors have been added to the affected communities.

Jobs have been lost due to base closures; no jobs are available. We have severe lack of low income housing. Homelessness is escalating. Even the rentals of existing units are abnormally high for communities hit hard with job loss. People are looking for shelter in abandoned buildings, on this facility, or anywhere they can find it. These persons are not even mindful of safety hazards.

Communities of color are virtually left out of the base closure process. Some are being told there is no need to be concerned about health and safety issues.

These citizens do not know that it is against Department of Defense regulations to transfer property without real input from the

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affected communities, that all superfund sites where property is being transferred should not do so without a restoration advisory board.

The only thing that we can do now is continue to bring facility managers to task regarding public participation and communication, to continue to let them know that these superfund sites and their pollutants are affecting the health and well-being of local stakeholders in their adjacent communities as well, that a real working plan would have to be put in place with all the information on the table prior to initiating closure programs.

Although a plan was not in place, the responsibility ultimately rest with the Department of Defense, facility managers and local government.

I want to see this facility clean. I want to see the lead, asbestos, the contaminated landfill, the contaminated groundwater, and other pollutants dealt with and monitored. I want to see an educated community concerning health effects for less knowledgeable and poor community included in the clean-up program.

We have more than average deaths from cancer, especially with federal workers and the adjacent community.

We desperately need health studies. We have not had health studies that I'm aware of. We had over 42 units of housing burn in one housing area because of the leakage from the contaminated landfill in

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these units.

MR. TURRENTINE: Thank you. Next.

Oh, I'm sorry. Luke.

MR. COLE: I'd just like to point out that this is yet another federal facility issue.

MR. TURRENTINE: Yes. Let me just say this because I think it's appropriate. We've heard from -- and not only at this particular NEJAC, but at other meetings -- we've heard from people who live in and around federal facilities who are impacted in a very serious way. I think we've not been able to address your concerns and to put you in the process whereby we would start discussions, dialogue, and ultimately some recommendations for some solutions.

I've had some conversations -- in fact, in the last ten minutes -- and I think before the end of this NEJAC conference we will be making an announcement that I think will move us closer to the goal that we all seek, and that is finding some solutions, or a process, if you will, for addressing these types of issues, issues for which the NEJAC in its present construct hasn't been able to address or has not addressed.

I just want to say to you that we have some thoughts on this and I think we're going to be able to put together perhaps a work group whereby we can start to address these issues where you will be at the table with other members of the work group trying to fully dialogue the

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issue and recommendations that will go forward.

So don't grow any tireder than you are. I know it's been a long haul. I think the time is upon us that we have to do something.

I think also it's appropriate because the issues for the next NEJAC that's going to be in the Washington, D.C. area in December is going to focus on interagency workings. So I think if we've done some work and made some inroads prior to that meeting, then it will make that meeting that much more meaningful.

MS. STONE: It's very hard for me to get here due to financial reasons. We have schools on that facility. We have daycare centers. We have elementary schools. My son is attending a school on that facility.

I also want the harassment and intimidation of people -- of community people working in the environmental field that bring up these health issues to let people know what is going on -- I want that intimidation and that harassment to stop.

There is no protection anywhere. There is nobody to go to. There are no attorneys available. And people are being harassed and mistreated. My home was flooded. I was put out of my housing, my job, and everything else.

I'm just saying that it's time for this to stop. This is the year 2000. All these promises that are being made have got to stop. There has to

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be some implementation going on.

MR. TURRENTINE: Well, as I want to point out to you, if nothing else is clear, be very clear that we hear you and we've heard you today. I will leave it at that.

MS. RAMOS: Mr. Chair.

MR. TURRENTINE: Did someone say something?

MS. RAMOS: One question.

MR. TURRENTINE: If you have to. But if you don't have to, I'd like to move on.

MS. RAMOS: Who is harassing you?

MS. STONE: Pardon me?

MR. TURRENTINE: Can you all have a sidebar conversation on that?

MS. STONE: I just didn't hear her.

MR. TURRENTINE: She wants to know who is harassing you.

MS. STONE: I was trying to hear what she's saying because I've been here a long time listening to everybody else. I'm saying that when I joined the Restoration Advisory Board to work on these cleanup issues in my community, I had people from the environmental office that were calling my job and harassing me and people asking me why didn't I get off the RAB, why was I still working on these issues in my community.

MS. RAMOS: From the state agency?

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MR. TURRENTINE: Rosa Hilda --

MS. STONE: From the federal agency.

MR. TURRENTINE: We're not going to accomplish anything --

MS. RAMOS: Thank you.

MR. TURRENTINE: -- to further this conversation at this particular time. I think we can do some things. I think we have some ideas of doing those things. I think we ought to move on to that, as opposed to -- I mean, no one needs to call names at this point in time. I don't think that's appropriate.

Okay. The next speaker, is Rabbi Daniel Swartz.

////

PRESENTATION BY RABBI DANIEL SWARTZ

CHILDREN'S ENVIRONMENTAL HEALTH NETWORK

RABBI SWARTZ: Good evening. I'm Daniel Swartz of the Children's Environmental Health Network, and a member of EPA's Children's Health Protection Advisory Committee. I want to thank the NEJAC members for inviting me and other Children's Health Protection Advisory Committee members here to join your deliberations.

I want to start by just saying that you should realize that the same forces that exploit people due to power disparities or racial or economic reasons also exploit children because they have less political and economic power. And I want to give you a couple of concrete

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examples.

Yesterday I was on Capitol Hill all day for a seminar sponsored by the Congressional Research Service on children's environmental health. I can't go into full detail about that because this hearing was "secret" according to CRS rules.

EPA has to hold public meetings; Congress doesn't have to hold public meetings. And one of the worries I have is what kind of report they're going to come up with out of this secret meeting and who they're going to give it to to try to get what ends done.

At this meeting there were people who came from scholarly groups that are funded primarily from polluting industries who said that all people in this country are already protected by present environmental standards.

I said to them that that sounded more like a statement of faith than a science, and as a rabbi, I wasn't quite sure that I had that much faith.

There were no people of color in that room. And unless Dick Jackson of the CDC and I had brought it up, the whole notion of environmental justice or environmental disparities in health would not have been mentioned throughout an entire day's seminar about children's environmental health.

There was a general refusal to look at who pays the cost and who benefits from various projects.

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But it's not just Congress that has this problem. On its own, out of no legislative authority but just purely because of an administrative regulation that's internal to the Clinton Administration, the Office of Management and Budget has institutionalized discrimination against children by instituting in all reviews of policy what's called a discount rate.

Now, economists very often discount the future versus the present. That makes sense in some circumstances. When we buy a house we're saying that our money 30 years down the road might not be worth as much to us as having this house now; that's why we're willing to pay interest rates.

But at the discount rate that they, OMB, require all federal agencies to use, which is seven percent, they say that a child loses half of his or her value in nine years.

I doubt there's any parent in this room who believes in nine years their child is worth half as much as they are today, even if nine years later they turn into teenagers, God forbid.

(Laughter.)

RABBI SWARTZ: You should also recognize that a lot of the protections that are currently being implemented on behalf of children may disappear. The Office of Children's Health Protection is due to disappear in less than two years unless there's an administrative

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decision that changes that.

I don't know if NEJAC has a similar sunset, but it's time for us to think about the future and start planning for our children and for their health and to protect all children in this country, especially those who are most vulnerable and those who are most environmentally discriminated against.

I'm sorry that I won't be here for the full day tomorrow for your deliberations as I had a prior engagement in Tampa. But I'll be here as long as I can.

Thank you.

MS. SHEPARD: Thank you. Maybe you can visit the Health and Research Subcommittee tomorrow.

Jim MacDonald.

PRESENTATION BY MR. JIM MacDONALD
PITTSBURGH UNIFIED SCHOOL DISTRICT

MR. MacDONALD: My name is Jim MacDonald. I am a trustee with the Pittsburgh Unified School District. I am elected official of my district and it's my --

MR. COLE: Jim, could you talk into your mic. I can't hear you.

MR. MacDONALD: Is that better? Okay. Sorry.

My name is Jim MacDonald. I am an elected official at the Pittsburgh Unified School District. It is my legal responsibility to look

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after the health and welfare of the children in my district. That is why I am here.

Unfortunately I'm not a high-powered lawyer; I don't know the tricks. I'm just a father who is concerned about the health and welfare of his own children and the children under my care.

We are -- or, I thought we were a minority community. We basically have 60,000 individuals in our city, about 70 percent of which is what I thought was minority. I've been corrected by the California Energy Commission; that is not a substantial number of individuals to be considered a minority community as far as environmental justice is concerned.

For the purposes of environmental justice, a population has to exceed over 130,000 individuals; out of that number of individuals you have to have a majority of minorities to have an environmental justice community.

This is the type of double talk that is going on throughout state and federal agencies. They're rewriting the definitions of terms as we speak.

We are a minority community. Our district has 67 percent minority population, which we've been told is irrelevant as far as the environmental justice analysis.

Sixty-seven percent of our population is on free and reduced lunch.

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Free and reduced lunch is based on the fact that children who do not get a proper meal have a harder time learning in school, they have a shorter attention span, and suffer absences due to illnesses.

We've been told that that is an irrelevant definition for low income, the fact that parents do not make enough money to feed their child properly is irrelevant and is not to be brought up as far as environmental justice is concerned.

I've been tracking this for about two years, trying to find out where the problem is, how come nothing is getting done, how can agencies get away with making these types of claims, these types of statements.

My district asked the EPA District 9 to declare our city an environmental justice community. We're up to I think about four major power plants and four minor power plants. We have a major chemical facility. We have refineries upwind of us. I think we meet every criteria.

District 9 EPA basically says that they do not have the power to designate any community an environmental justice community. That was just on the telephone. Officially their response has been no response whatsoever.

We've taken complaints up to the EPA appeals board. They used every technical reason to not hear the complaint, including, one, that I asked the Californians for Renewable Energy to file the complaint for me because they know more about this situation -- they said that

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basically I don't have the right to ask another organization to represent me and so they denied hearing the complaint on that aspect

Secondly, in their letter they said that basically our argument was "technical in nature." Well, our argument was environmental justice Title VI Civil Rights. As far as the EPA is concerned, that's a technical issue not worthy of investigation.

Currently the Pittsburgh Unified School District has a complaint filed with the Office of Civil Rights against the EPA for a violation of Title VI.

There's no ifs, ands or buts in my mind; the EPA is the villain. They are the officers that are supposedly supposed to be enforcing environmental justice regulations. They are not enforcing them. In fact, they have gone out of their way -- out of their way -- to do everything possible to make sure that environmental justice is nothing more than a word, or two words.

One of the things I'll be asking you tomorrow under what can we do, I need for the law to say that school districts who have a school site that has 50 percent or more minority makeup in its site has to be considered.

I want a law that says a school site that has over 50 percent low income as defined in free and reduced lunch -- because parents can't feed their children adequately -- that they must do environmental impact

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reports. I want those environmental impact reports to be presented to the school district -- not to the EPA; they could care less about the health and welfare of our children, and that's a fact.

School districts just about in every city and town around, we're parents on these districts, it's our children, we care about our communities, we have a stake in our communities, and we need the legal right to be able to represent those communities when it comes to environmental justice.

Thank you.

MR. TURRENTINE: Thank you.

PRESENTATION BY MS. JACKIE WARD
SOUTHERN ORGANIZING COMMITTEE FOR
ECONOMIC AND SOCIAL JUSTICE

MS. WARD: Good evening, Mr. Chair, members of the Council. My name is Jackie Ward and I work with the Southern Organizing Committee for Economic and Social Justice here in Atlanta. I am here on behalf of Reverend Zach Lyde. I have a letter here that I've been asked to share with the Council that was received in my office this afternoon.

The letter was sent to Connie Tucker and it reads, "Dear Connie Tucker, I'm writing to apologize for not being able to make it to the NEJAC conference. My mother fell extreme ill. Please share this letter

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with NEJAC. This situation is relevant to the work before them this week.

"We took her to the local hospital and they basically told us to 'put the sheet over her face.' We decided that that was not a qualified medical opinion and made a request that they prepare her to be transported to another hospital, preferably the Mayo Clinic in Jacksonville or Duke.

"They told us that the reason they wanted the sheet over her face is they believed that she had liver cancer that had migrated from her colon.

"We informed them that we wanted her moved. They advised us that with her vital signs, movement would be fatal. They agreed to bring in another staff member to render a second opinion.

"They did this and the second opinion was that they needed to do a needle biopsy. They discovered that there was no cancer, but pus in her liver. They decided to get that pus drained out of her body because she was dying of toxic shock.

"We feel that toxic shock has been killing a tremendous number of people in this area because no one has considered the toxicity of a community when they do a medical diagnosis. We think that it is fatal to a number of patients in Brunswick.

"NEJAC would serve itself well if it investigated the reasoning for

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allowing poor people to die without considering the toxic causes and the issues involving lack of health insurance and our poisoned communities.

"I would like to also urge that NEJAC recommend the establishment of a Pollution Victims Compensation Fund as outlined in the attachment."

And this letter is signed Reverend Zach Lyde, Brunswick, Georgia, Chairman of the Georgia Gray Party.

As the Georgia Gray Party, our priorities state legislative agenda includes create a Pollution Victims Compensation Fund to receive dedicated revenue from a pollution tax on all releases reportable in the Toxic Release Inventory.

The fund is to be divided into separate accounts and disbursed to:

- (a) pay the health care costs of pollution victims,
- (b) to provide technical assistance to community in holding responsible corporations accountable for containing and cleaning up uncontrolled toxic sites,
- (c) to provide tax incentives to industries to retool production processes to reduce toxic discharges, and
- (d) for retaining job placement and worker transition costs associated with displacement created by production process changes motivated by pollution prevention efforts.

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Such a program can be adopted nationally or by other states. We recommend that NEJAC endorse such a program and urge its members to advocate for its creation in their own states and communities.

MS. SHEPARD: Okay, thank you, Ms. Ward.
Fred Lincoln.

PRESENTATION BY MR. FRED LINCOLN
WANDO CONCERNED CITIZEN COMMITTEE

MR. LINCOLN: My name is Fred Lincoln. I'm from the Wando Concerned Citizen Committee, Wando, South Carolina. I'm here today concerning a multi-issue in our area.

First off, we are a small African-American community that has been in existence since the end of slavery. Our area has been inundated with chemical plants, steel mills, a trucking company next door to a residential. We have had a chemical plant placed in the middle of our community.

Our community is about a ten-mile radius and we have a chemical plant in the middle of our community. This chemical plant came in; there was no environmental impact study done, there was no hearing with the community where the community would have input.

We have folks in our area coming out of their homes in the morning having burning sensations to their unprotected skin. We have noise pollution throughout the night from these plants.

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That is one of our concerns, but it's not the main concern why I'm here. At this time the state Port Authority and the chemical plant and the steel mill weren't able to run us from our community so they came up with the final solution, that they would run a railroad and a truck route straight through the heart of our community, displacing in some areas 30 percent of the homes.

To understand this process, the Port Authority came into the area threatening folks with condemnation if they did not sell their property for this railroad route. They did not have a permit. The permitting process was just beginning.

The Corps of Engineers -- the Army Corps of Engineers, the EPA and the Port Authority were having a meeting concerning this railroad at 9 o'clock in the morning 18 miles away from where we live. No one notified us that they were having that meeting; we accidentally found out about this meeting and forced them to come in our area to discuss this issue.

Through the Freedom of Information Act we found out that the Port Authority had signed an agreement with the Gugenheim Foundation of New York who owns property down there, a vast amount of property, that they would not run the railroad or the truck route through their vacant property with no structure, no homes, that instead they would come through our area and take homes and relocate the families.

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Our area has been in existence since slavery. This property has been left to us from generation to generation. One of the things our families has always told us, the only thing that separates a free man from a slave is that a free man owns property and the slave was property.

The state is at this point attempting to send us back into slavery by taking away our property unjustly. And we feel like that the EPA and the Army Corps of Engineers are working in concert with the state Port Authority to displace us from our homes.

We feel like that the federal agency is there to protect the citizens of the area, that we should have been notified that a railroad was coming, not having to find out three years later that the railroad is coming when all the decisions had already been made, and we were not called to the table.

At this time they are setting up a campaign to convince folks that we are the enemies, that we are against progress, that we are against jobs. We have never been against jobs or progress, but we are concerned that our area was arbitrarily chosen to be destroyed when there's an alternative -- there's vacant property owned by folks who can afford to have a railroad take some of their property rather than come through our area and displace a whole community.

Thank you.

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MR. TURRENTINE: Thank you.

There is one written comment that was presented and I neglected to enter that in the record, and I need to do so. That written report was from Adora Iris Lee from the United Church of Christ. I have the written copy of this which I would make available to the contractor. This will be presented as a part of the public comment for this particular session.

WRITTEN STATEMENT OF MS. ADORA IRIS LEE
UNITED CHURCH OF CHRIST
WAS RECEIVED INTO THE RECORD

MR. TURRENTINE: We are --

MR. COLE: Just one more.

MR. TURRENTINE: Oh, I'm sorry.

MS. SHEPARD: Maria Elena Lucas.

MR. TURRENTINE: I'm sorry.

PRESENTATION BY MARIA ELENA LUCAS
FARM WORKERS

MS. LUCAS: Hi. My name is Maria Elena Lucas. I am a farm worker. I've been a migrant farm worker ever since I was in my mother's womb and I've traveled throughout all the United States working in the fields.

I had about a third grade education so I didn't hardly go to school.

Throughout my whole life I've been exposed to many chemicals,

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to many pesticides. In the beginning when I was a young girl, I never thought anything about it. The rashes and the illnesses were just part of life, you know. We never gave it a second thought.

But as I grew older and got married and continued and dragged my children to the fields, later on in life I had an accident. I was not even in the fields, I was in the farm road driving when an aerial sprayer had an accident and the barrels broke and the poison just by a freak accident fell over my car, the one that I was driving. In about an hour -- I'd say an hour and a half -- I was already pronounced dead.

It was a horrible experience. I lost my memory. That happened March 3rd in 1988 and since that time it's been a nightmare. There were times that I wanted to be dead because of so much suffering. I had rashes, I blacked out and I couldn't even distinguish colors.

There were times that I'd get up and one of my kids would walk in the door and say, "Hi, Mom," and I'd say, "Hi. Who are you? Do I know you?" It was a horrible experience.

But the thing is that I'm still suffering to this day. At least once a month I bleed three or four times, three or four days at a time. And I have very, very many problems. Everything that I eat or drink makes me sick, terribly ill.

There are times that I go to bed and in the morning I can't even lift my head up, I can't even move a hand. And this can go on for three

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days where I have to urinate on the bed sometimes -- due to the pesticide poisoning.

But the thing is that -- oh, I don't want to touch your hearts by this situation because this is not my -- this is not an isolated case. It happens all the time to thousands and thousands of farm workers out there that are very close to this situation.

I can actually -- I don't have a home really because the migrant camps have been my home, and although there's people that say they had a home base where they do return to, you know -- there's a place that I come back to, it's in Los Fresno, Texas -- it's in a rural area. I can't stay there too long because of the spraying that goes on.

But, anyway, the thing is that in the migrant camps, you know, they say that there's laws, rules, now that they put these notices that they're going to spray. But the thing is that it's not helping really because the migrant camps are right there next to the fields.

And so even if we're in the migrant camps -- and our little shacks are very small, you know -- it's a bad situation -- the spray, you know, the chemicals get into the water, get into our little homes -- into our little shacks; they're not homes.

And it goes on and on. See? There's really no protection.

About the safety of the children, we're very concerned because they go into the fields and not only, you know, do they get in touch with

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the chemicals, but also they do use that -- you know, the fields for a toilet. And so then there's a double -- see what I mean?

Anyway, I came to tell you that I'm very concerned. I don't think there's been enough research or studies done about our situation. We're the people that put the food on your table.

Mother nature and I have something in common, that we are bonded very close together, and we do our labor with loving care -- you know? -- to give it to you. And we love to do that work.

And this is our way of survival. We don't have any other way. Our teenagers nowadays are learning more but we are really far behind. With all the technology and everything that's going on, we are in bad trouble. And so is mother earth, really.

So maybe we can talk about it later on. I know my time is up. Thank you so much for listening.

MR. TURRENTINE: Thank you very much.

(Applause.)

MR. TURRENTINE: Arnoldo.

MR. GARCIA: I wanted to thank Maria for coming to the NEJAC to be with us today. She's also going to be with us in our subcommittee where she'll be doing a larger presentation.

I guess this is for me the issue of the focus of this meeting; it's the farm worker situation, the use of pesticides, the systemic nature of the

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contamination of our communities and consumers and so forth.

It's a clarion call, really, to figure out a really nasty problem that's affecting all of us. And it's not -- you know, the stories of Maria are multiplied by the thousands. It's not just one individual, it's not just one pattern. It's a clarion call.

MR. TURRENTINE: Thank you. Luke.

MR. COLE: Arnoldo addressed my point. Thank you.

Thank you very much for coming before us.

MR. TURRENTINE: Thank you all very much.

Just a bit of housekeeping details. We're going to get started bright and early tomorrow morning. For the staff, please tell us, are we able to leave our books in here tonight? Are we able to leave these things here tonight?

PARTICIPANT: (Inaudible.)

MR. TURRENTINE: Okay. Please.

And I would ask that all Council members try and make it here early tomorrow morning so that we can get started on time. We have a very full day before us and if we can make it and get started on time, we'll be able to move through the day without having to go too late in the evening.

The other thing is, for those of you who were scheduled to make presentations today and you came in later than your name was called,

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you will be first on tomorrow when the public comment period starts, so you will not be missed -- we won't miss you; we'll allow you to make your presentations at the very onset of public comment tomorrow.

I would say that I'm troubled. You know, I'm troubled because I'm reminded of a videotape we saw today on the bus trip to Anniston, "Eye On The Prize." We saw the many things that were happening during the days of the civil rights movement.

I listened to the public commenters presenting tonight and perhaps -- I hope not, but perhaps -- some of those same issues are at play today. And that's why people have to come before us time and time again making presentations about what's happening to them in their communities.

I can liken the presentations that we heard tonight to the discussions during the civil rights movement that people were having back in the '60s where they had to complain time and time and time again before government agencies heard their cry and decided to take some action.

I hope to God that we don't have to go to those extremes today as it relates to environmental justice or environmental racism. I'm troubled because communities have to come to us begging, in tears, asking for attention, asking us or someone to hear what's going on in their lives.

And we make recommendations, we make reports to EPA, and

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people continue to come back to us and we continue to meet and we continue to deliberate and we continue to make reports. And I don't know where the follow-up is, and that troubles me.

At some point in time we have to start getting some results. We have to start getting some results.

I hear the pain in people as they come before us, and I hear that they're getting weary. Some in fact wonder whether or not we are providing anything other than an ear.

I quite frankly don't know about anyone else on this panel, but I don't know that I can afford to sit here meeting after meeting just to listen. I have a much greater commitment than to just sit here and listen to people bring their sorrows and bring records of deaths in their communities. And yet all we can do is listen.

Folks, we'd better figure out some way to do more than just listen. I would say to all of us, and I would most assuredly say to the government agencies involved, be they state, local or federal, when the people who present before us no longer come before us and talk to us, it's anybody's guess as to what their next move might be.

So before they have to feel compelled to go to other extremes, we'd better do all we can to take some action and to provide some follow-up and some results to the people who come to us and have entrusted in us some confidence.

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Rose and then Luke.

MS. AUGUSTINE: Thank you, Mr. Chair. I also have the same concerns you have. I sit over here and I listen. This is my second year, I guess. I see the same people coming over, the same faces.

I think maybe it's time that we evaluate if this NEJAC is doing what it was supposed to do and if this NEJAC is representative of the people that it is supposed to be representing.

I have a lot of work at home. I have the same problems that the people here are expressing. And me at home, the same things that they're complaining about is what we are complaining about. How can I help people when I can't even help myself or my community? When the agencies themselves are not helping the community, I know and I feel and I cry for these people because I feel the same thing that's happening to them is happening in our communities.

This NEJAC was supposed to represent people of color, people in contaminated sites. And they're coming over to ask us to give them a voice, to form a committee to give them a voice. And isn't this committee the one that's supposed to be giving them the voice?

Just how many committees are we going to establish here, because, you know, it's not working. It's just not. We've got to figure out, do an analysis, of what this NEJAC has done in the past and where it's going and is it working, because if it's not working, I'm walking out.

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MR. COLE: Mr. Chair, I strongly support Rose Augustine's remarks and your eloquent remarks, and I hope that both of you will make the same remarks tomorrow at noon when the Administrator is here because I think she's the one – I mean, you're preaching to the choir here tonight, but I think she's the one that needs to hear that we're feeling ineffective as a body in getting EPA to actually respond to the advice and comments that we're giving it.

MR. TURRENTINE: Are there other comments? Tom.

MR. GOLDTOOTH: Yes, I have the same thing to say about that. The first committee that I came on was Waste and Facility Siting Subcommittee. I think we have to really look at these things because each committee also has different DFOs and different program departments that support a lot of the recommendations that come. So there's different response levels from the concerns that the subcommittees put forth.

Some of the testimonies that are done on the floor, some of those are referred to committees and some aren't. More are not referred. So, you know, I've always been concerned about who is following up on those that aren't referred to someone. Perhaps they walk away feeling like no one heard them.

I think we have to really look at the process here of a number of these issues. I think there is definitely a perceived bottleneck on the

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recommendations that do come out of subcommittee, recommendations that come out of the Executive Committee here on the lack of follow-up.

That goes back to the agency responsibility. And we push those. Very often I know many of the people here, we push these to the best of our abilities. At some point the agency or whoever the department is, has to carry forth with those and make a report back to us.

I know some of us are still waiting for reports back, are still pending after two and a half years. So definitely I think we need to really look at this issue.

MR. TURRENTINE: Thank you, Tom. Yes?

MR. YANG: I would actually echo what Tom said.

MR. COLE: We can't hear you.

PARTICIPANT: Get on the mic.

MR. TURRENTINE: Use the one you've got. He just has to turn it on.

MR. YANG: This one? Okay. Thanks, Haywood. I would actually echo what's just been said in terms of the effectiveness and really thinking about how effective the NEJAC itself is.

This is only my second full NEJAC meeting that I'm attending, and as an academic, I can assure you that within the circles -- the academic circles -- the NEJAC doesn't have too great a reputation in terms of the effectiveness as a body, generally, I guess, in achieving environmental

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goals, I guess.

Off the top of my head I can think of, you know, many reasons why the NEJAC can't be or isn't designed to be effective, but I think you've addressed them already in terms of simply its function in creating recommendations, writing reports, all of those things.

But there are, I'm sure, a number of other things that can be done to focus that kind of spotlighting and attention-getting and focusing of issues that are within the purview of NEJAC that can be done to make those things that the committee is interested in, to impress the importance of these issues more on EPA and to try to accomplish more than has been done in the past.

MR. TURRENTINE: Thank you. Peggy.

MS. SHEPARD: Yes. I concur with everything my colleagues have said. I know that over the past year EPA has done its own evaluation of the NEJAC, and I would recommend that NEJAC members begin to do an evaluation and that we do establish a process so that we, those of us here on the Council, can begin to look at our objectives and our mission and determine whether this is the mission we all want to spend our time working on, and whether we can change or revise the mission to really make an impact on the communities that we're all here trying to assist.

MR. TURRENTINE: Marinelle.

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MS. PAYTON: Thank you. I just wanted to say that I've heard similar concerns before from Executive Council members. I know a couple of years ago a work group -- an assessment -- well, a NEJAC assessment work group was formulated, and I'd just like to ask the status of that work group. I know that there has been some consideration in this regard in the past.

MR. COLE: The answer to that is that the work group has -- a draft report is being finalized and over the last four to six months we have not spent a lot of time looking at it because of the other kinds of initiatives that have been undertaken. But it is an issue that we need to get back to.

MR. TURRENTINE: Thank you. Tom.

MR. GOLDTOOTH: With that said, I also need to say that there is some level of effectiveness that I feel over the years that this body has had.

I say that because at least with the organization I work with and our network with other environmental justice network, we know that there's a backlash happening in this country from industry. I'm not saying all industry; but there is a backlash. There is a backlash from some of the state governments and their environmental organizations that do not like what this body is doing, the NEJAC.

Congressional people are asking questions. Conservative people

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that don't like environmental justice are asking questions of this body. There is a FOIA request of this body.

Also, you know, the work of our environmental justice staff about programs. There's a lot of awareness; there are good folks out there trying to do good work. It's really a big issue to make a change in a bureaucracy that's been created.

So I'd just like to say that with this concern that we do need to, however, look at how effective we are, but also at the same time know that we are under attack at the same time, and we don't want to buy into that as well.

So I just needed to say that.

MR. TURRENTINE: Okay. Vernice and then Rosa.

MS. MILLER-TRAVIS: I want to echo what Tom has said. I do not share the opinion --

MR. COLE: Could you speak into your mic, Vernice.

MS. MILLER-TRAVIS: I do not share the opinion that the NEJAC has not been effective. I know for a fact that all of the initiatives that the agency has undertaken around environmental justice would not be taken, not one iota, not one step, not one resolution, not one executive order, not anything would have been done to address environmental justice were it not for this NEJAC. Not just the NEJAC that we sit on, but the NEJAC that was convened in 1994 and that has sat for many,

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many years with a lot of people who have dedicated a lot of time and a lot of energy -- and that includes a tremendous amount of EPA staff members, both out in the field and at headquarters.

So I do not share the opinion that the NEJAC hasn't been effective. I do have the opinion that the NEJAC could be a lot more effective than it has been, but I am not of the opinion that the communities that have come to us have not been heard, have not had their issues addressed. They may not have been addressed definitively; their issues may not have been resolved to the nth degree, but there would be no motion, no energy, no effort on any of their issues were it not for the energy put forward by the NEJAC.

I'm not going to sit here and self-flagellate about what we haven't done. I want to focus on how can we be a more effective body, how can we be more responsive to the people who come before us and ask us to address their concerns. How can we better collaborate with local agencies and state agencies who are in -- you know, let us uplift what Tom has said.

It is more than a backlash; it is a rebellion that is going on out in the country about the advances that we have made to address environmental justice and to call environmental racism for what it is.

I'm clear about the political status that is going on in this country. I am clear about the frontal attack on civil rights, equal rights,

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environmental justice and all of the things that we stand for. It doesn't daunt me one iota to know that I have to go forward and I have to continue to fight.

And I think that's what the NEJAC is about. I know we're all tired; we've been here for a long time. I'm having the allergy attack of life right now. However, you know, we have to go on. We have to go on.

Don't sit here and beat yourself up about the things that we haven't done. Think about the things that you need to do and how are you going to affect those things in the next six months and how you're going to affect those things in the next administration.

I think that's what we need to be thinking about -- how are we going to be a more effective body -- not how ineffective we have been up to now. I do not agree that the NEJAC has not accomplished something.

MR. TURRENTINE: Pat.

MS. WOOD: Having listened to all this discussion, I figured as the newest member of NEJAC I had to enter the fray as well. This is my first meeting but I've observed some other meetings and I'd like to suggest that there's another factor which I haven't heard mentioned yet, in addition to all the ones that a number of you have touched on.

That is that the agency itself is going through its own turmoil, whether they like to talk about it or not. I think it's World Resources

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Institute, or one of the groups, recently put together a great pie chart which unfortunately I don't have with me. In essence it showed that if you look at the variety of problems that exist right now in terms of environmental issues and environmental justice issues, public health issues, EPA really only has responsibility for roughly 20 percent of those.

What it means is: Where do the rest of them fall? Now, this is not that I'm suggesting that the Environmental Protection Agency's responsibilities and authorities should be expanded, but I think what's gone on, from my perspective, is that the agency has tried to be the be-all for all these different issues.

The reality of it is they're not. They're not likely to be. And the fact that we're now starting to try to look at some of the other agencies is a good first step. But there's frustration that comes with that.

When I listen to the people that have come in here today and other days that I've sat in the audience and listened, people come in and all we'd say is EPA has to do something.

I would suggest that one fault that we have as a body is that we sit here and say yes. And probably first of all we have to start to honestly look at what EPA can do and what EPA can't because with a lot of the other problems that we have and new emerging problems that we have that we haven't begun to talk about, the agency is not going to have the

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responsibility or the authority, especially when we get to issues such as DOD and DOE. That's probably not going to happen in our lifetime.

Rather, it's a matter of trying to build new relationships starting at the local level where a lot of these problems reside, as we well know, and it means new networks and new relationships.

I don't think NEJAC has addressed those kinds of questions and so certainly people have to feel frustrated. I know I felt frustrated with myself when I thought do I really want to serve on NEJAC or not given some of the issues that are emerging within the agency and within our country.

So it does take, I think, a new thinking, and people should not be completely distressed. But we shouldn't kid ourselves if we think we can sit here and say to the folks, yes, EPA is going to look at this, EPA is going to solve the problem, because EPA doesn't have the authority, and I think we have responsibility to recognize that and work with EPA and some of the other agencies to figure out who does have that authority.

MR. TURRENTINE: Thank you. Rose and then we're going to close it out.

MS. RAMOS: Mr. Chair.

MR. TURRENTINE: Oh, I'm sorry. Okay, Rose.

MS. AUGUSTINE: I agree with Vernice. Okay? The NEJAC has

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done a lot of good. You know, we have to go back to 1994 -- I mean, I've heard of all the good things that the NEJAC has done; otherwise I wouldn't be sitting here.

But I am kind of frustrated about the way things are going. We have asked for an analysis of what the NEJAC has done. That has not happened.

We need to go back and we do need -- and I feel we do need to analyze and see where this NEJAC is going. We need to analyze the past and the present, where we're at right now.

And we need to bring back the old members so that we can analyze it all together and see, you know, where we went wrong because there has been a lot of good work that was done by past members. We need to get these people back on line to help figure out a way to make the NEJAC better, make the NEJAC where it can help the communities.

And, yes, the EPA only has a certain amount of power to do anything, but they do have some power, and that power I think -- personally I don't think that enough of it is being exercised out in the communities, the things that they could be doing.

MR. TURRENTINE: Rosa Hilda and then Marinelle.

MS. RAMOS: As a community leader, I can say that we have to go back to the streets. We have a lot of things to do again in organizing

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the communities and completing our work as activists. This is urgent.

But we also have to acknowledge that EPA -- you know, its funds have been reduced by 40 percent in some parts. So we cannot ask the agency to do things that they simply do not have the funds to do. We have to understand that.

I can tell you that I am very proud of being part of this group. We have accomplished a lot. At least we have accomplished a national awareness of environmental injustice in this country, and this is something that we should be proud of.

MR. TURRENTINE: Thank you. Marinelle.

MS. PAYTON: Just thinking about the issue. As we know, NEJAC is bound by its mission and scope. Perhaps another scenario is how responsive is EPA to NEJAC.

MR. TURRENTINE: Okay. Well, as we close it down tonight, I want to be very clear that I am not criticizing NEJAC. I'm being mindful of the people who come before us time and time and time again and we haven't figured out a way to address their concerns and to provide follow-up.

That's where my frustration is. Not with what we've accomplished. And I agree we have accomplished a great deal. But I ain't ready to pat myself on the back and say "we done it" because the battle and the war still wages on, people are still dying in their communities, they still come

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to us with their concerns, and I just think we have to figure out a way to do more, even if we have to do more with less.

Members of the Council, I really appreciate your engagement tonight, I appreciate your being here. To the staff, they've got work to do after we leave here. And to those in the audience that are still here, I thank you for your indulgence and get a couple of hours sleep and let's try it all over again tomorrow.

You need to take your books with you because as they freshen up the room, they're not necessarily going to be able to determine what's good and what's trash, so take your good stuff with you.

Good night, all.

(Whereupon, at 11:30 p.m., the meeting in the above-entitled matter, was adjourned, to reconvene on Wednesday, May 24, 2000.)

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